



# भारत का राजपत्र

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WEEKLY

सं. 15]

नई दिल्ली, अप्रैल 8—अप्रैल 14, 2012, शनिवार/चैत्र 19—चैत्र 25, 1934

No. 15]

NEW DELHI, APRIL 8—APRIL 14, 2012, SATURDAY/CHAITRA 19—CHAITRA 25, 1934

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं  
 Statutory Orders and Notifications Issued by the Ministries of the Government of India  
 (Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 3 अप्रैल, 2012

**का.आ. 1286.**—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) जनरल क्लारिज एक्ट, 1897 (1897 का अधिनियम सं. 10) की धारा 16 के साथ पठित धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सुन्दरी उच्च न्यायालय, में इस विभाग की अधिसूचना सं. 225/18/2011-एवीडी, II दिनांक 05-07-2011 द्वारा जारी श्री मंदर महेश गोस्वामी, वकील की केन्द्रीय अन्वेषण व्यूरो में विशेष लोक अभियोजक के रूप में की गई नियुक्ति को एतद्वारा रद्द करती है।

[फा. सं. 225/18/2011-एवीडी-II]

राजीव जैन, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training )

New Delhi, the 3rd April, 2012

**S.O. 1286.**—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) read with section 16 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Central Government hereby cancels the appointment of Shri Mandar Mahesh Goswami, Advocate, as Special Public Prosecutor of the Central Bureau of investigation in the Bombay High Court at Mumbai issued vide this Department Notification No. 225/18/2011-AVD-II dated 5-7-2011.

[F. No. 225/18/2011-AVD-II]

RAJIV JAIN, Under Secy.

## विदेश मंत्रालय

(सीपीची प्रधान)

नई दिल्ली, 22 मार्च, 2012

**का.आ. 1287.**—गजनायिक और कॉसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में, केंद्र सरकार द्वारा श्री सुनील कुमार, सहायक वो 22-3-2012 से भारत के कॉसलाबास, बैंग्हम में सहायक कॉसला अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है :

[सं. टी. 4330/01/2006]

आर के. पेरिन्डिया, अवर सचिव (कॉसलर)

## MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 22nd March, 2012

**S.O. 1287.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Sunil Kumar, Assistant, Consulate General of India, Birmingham to perform the duties of Assistant Consular Officer with effect from 22nd March, 2012.

[No. T. 4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

## मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 22 मार्च, 2012

**का.आ. 1288.**—सार्वजनिक स्थान (अप्राधिकृत कब्जा हटाने) अधिनियम, 1971 के खंड 3 (1971 का 40) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र के भाग-II खंड-3 उप-खंड (II) में दिनांक 15 अप्रैल 1972 को प्रकाशित दिनांक 22 अप्रैल 1972 की अधिसूचना संभ्या का.आ. 992 जो भारतीय प्रौद्योगिकी संस्थान, कानपुर से संबद्ध है, में आंशिक संशोधन करते हुए केन्द्र सरकार नीचे तालिका के कॉलम (1) में उल्लिखित अधिकारी को, सरकार के राजपत्रित श्रेणी के अधिकारी के समक्ष अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजनार्थ संपदा अधिकारी के रूप में नियुक्त करती है। वे उक्त तालिका के कॉलम (2) में विविहित सार्वजनिक स्थान के बारे में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा उसके अंतर्गत संपदा अधिकारी को दी गई शक्तियों का प्रयोग करेंगे तथा अपने कर्तव्यों का निर्वहन करेंगे।

## तालिका

अधिकारी का नाम

सार्वजनिक स्थान की श्रेणी तथा क्षेत्राधिकार की स्थानीय सीमाएं

(1)

रजिस्ट्रर, भारतीय प्रौद्योगिकी संस्थान, कानपुर

भारतीय प्रौद्योगिकी संस्थान, कानपुर  
में संबंधित अधवा पट्टे पर ली गई अधवा उसके द्वारा या उसकी ओर से मांगी गई भूमि, जो कानपुर जिले में उसके प्रशासनिक नियंत्रण में आती है।

(2)

[फा. सं. 3-22/2012-टीएस-I]

कमल आर. साह, अवर सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 22nd March, 2012

**S.O. 1288.**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in partial modification of the notification number S.O. 992, dated the 15th April, 1972, published in the Gazette of India, Part-II, section 3, sub-section (ii) dated the 22nd April, 1972, so far it relates to the Indian Institute of Technology, Kanpur, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of a Gazetted Officer of the Government, to be the Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

## TABLE

Designation of the officer Categories of public premises and local limits of jurisdiction

(1)

(2)

Registrar, Indian Institute of Technology, Kanpur Premises belonging to or taken on lease or requisitioned by or on behalf of the Indian Institute of Technology, Kanpur which are under its administrative control in Kanpur District.

[F. No. 3-22/2012-TS-I]

KAMAL R. SAHA, Under Secy.

## उपभोक्ता मापले, खाद्य और सार्वजनिक वितरण मंशालय

( उपभोक्ता मापले विभाग )

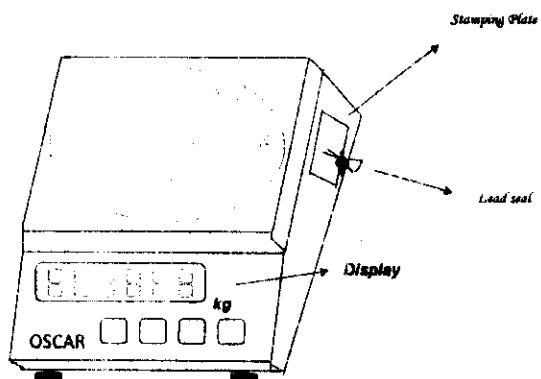
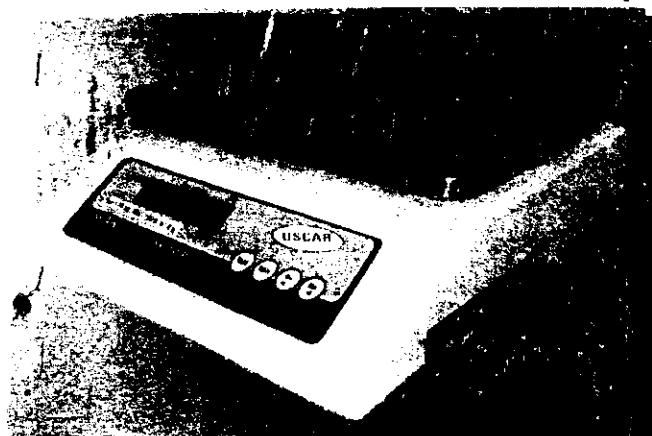
नई दिल्ली, 9 जनवरी, 2012

**का.आ. 1289.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुसूची है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऑस्कर डिजिटल मिस्टर, सी/28, मुख्यालय सोसायटी, काठवाड़ा रोड, नरेश, अहमदाबाद-382330 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 11) वाले “ओएससी-टीजे” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके प्रांड का नाम “ऑस्कर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/453 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे । मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$ ,  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[ फा. सं. डब्ल्यू एम-21(217)/2011 ]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 9th January, 2012

**S.O. 1289.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of high accuracy (accuracy class-II) of series "OSC-TJ" and with brand name "OSCAR" (hereinafter referred to as the said model), manufactured by M/s. Oscar Digital System, C/28, Murlidhar Society, Kathwada Road, Naroda, Ahmedabad-382330 and which is assigned the approval mark IND/09/11/453;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1.

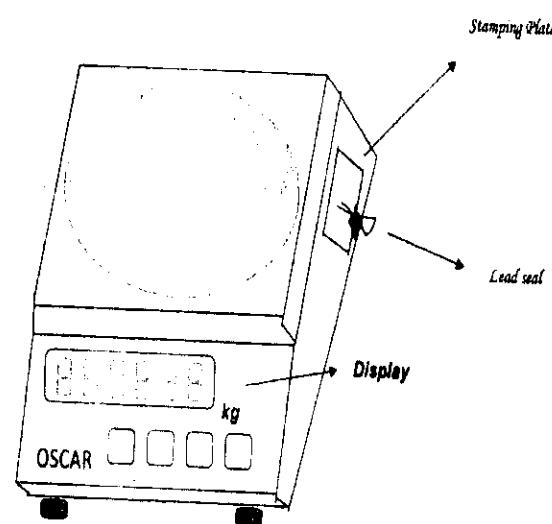


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (*n*) in the range of 100 to 100,000 for '*e*' value of 1mg. to 50mg. and with verification scale interval (*n*) in the range of 5000 to 100,000 for '*e*' value of 100mg. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (217)/2011]  
B. N. DIXIT, Director of Legal Metrology

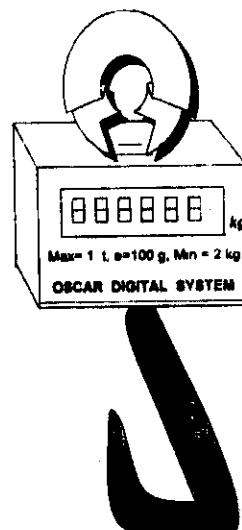
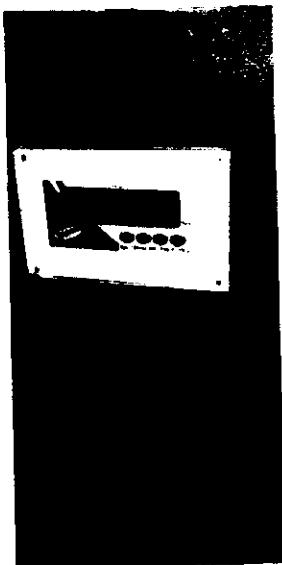
नई दिल्ली, 9 जनवरी, 2012

**का.आ. 1290.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऑस्कर डिजिटल सिस्टम, सी/28, मुरलीधर सोसायटी, काठवाड़ा रोड, नरेदा, अहमदाबाद-382330 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ओएससी-सीआर” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन स्केल) के मॉडल का, जिसके बांध का नाम “ऑस्कर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/454 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन स्केल) है। इसकी अधिकतम क्षमता 1000 कि.ग्र. और न्यूनतम क्षमता 2 कि.ग्र. है। सत्यापन मापमान अंतराल (ई) 100 ग्र. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 500 कि.ग्रा. से 30 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ , या  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(217)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th January, 2012

**S.O. 1290.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Scale) with digital indication of medium accuracy (accuracy class-III) of series "OSCAR-CR" and with brand name "OSCAR" (hereinafter referred to as the said model), manufactured by M/s. Oscar Digital System, C/28, Murlidhar Society, Kathwada Road, Naroda, Ahmedabad-382330 and which is assigned the approval mark IND/09/11/454;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane Scale) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval ( $e$ ) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

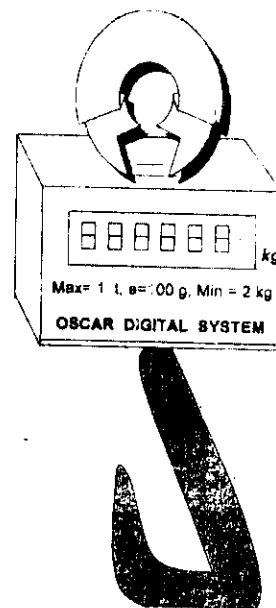
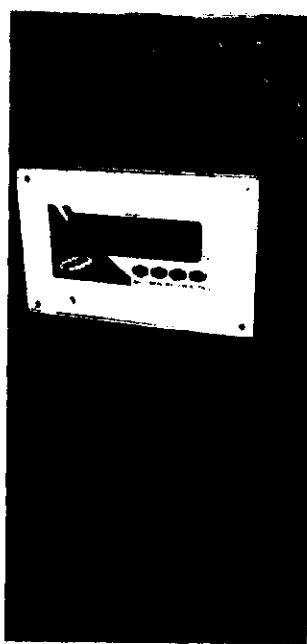


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity above 500 kg and up to 30 tonne with verification scale interval ( $n$ ) in the range of 500 to 10,000 for ' $e$ ' value of 5g or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(217)/2011]  
B. N. DIXIT, Director of Legal Metrology

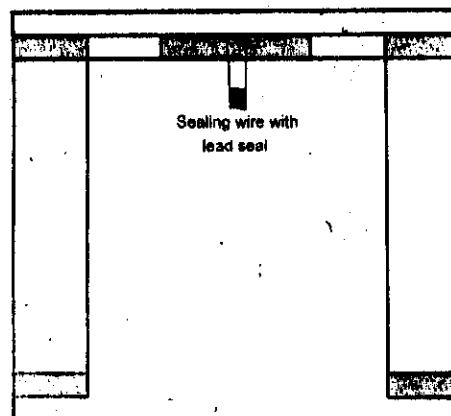
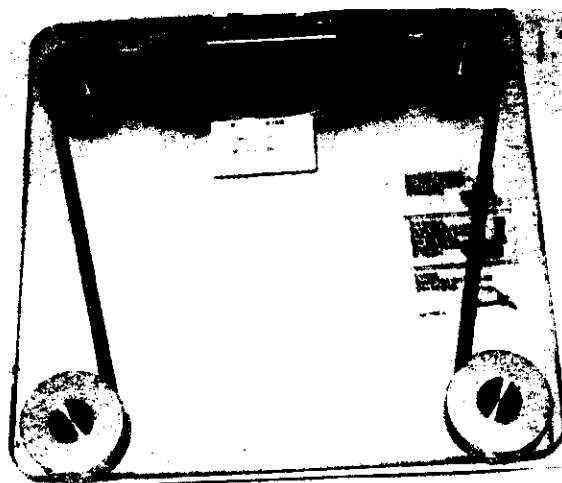
नई दिल्ली, 10 जनवरी, 2012

का.आ. 1291.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेवीडी टेक्नोलॉजी (एशिया) पीटीई लि., नं. 12, लोयांग बाक, सिंगापुर-508975 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “866512” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) के मॉडल का, जिसके छांड का नाम “जेवीडी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स एफसीएमएल प्रोजेक्ट्स ए-217, ओखला इंडस्ट्रियल एरिया, फेज-1, नई दिल्ली-110020 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपरीत किया गया है भारत में अनुमोदन विह आई एन डी/09/11/430 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है । इसकी अधिकतम क्षमता 180 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । लिकियड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण  $2 \times 1.5$  दी डी सी (3 वी) एएए बैटरी पर कार्य करता है ।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्रत्येक योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैस ही में, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ , या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(228)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th January, 2012

**S.O. 1291.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing scale) with digital indication of Medium Accuracy (Accuracy Class-III) of series "866512" and with brand name "JVD" (hereinafter referred to as the said model), manufactured by M/s. JVD Technologies (Asia) PTE Ltd., No. 12, Loyang Walk, Singapore-508975 and marketed in India without any alteration before or after sale by M/s. FCML Projects, A-217, Okhla Industrial Area, Phase-1, New Delhi-110020 which is assigned the approval mark IND/09/11/430;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person weighing scale) with a maximum capacity of 180 kg. and minimum capacity of 2 kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 2×1.5 V DC (3V) AAA batteries.

Figure-1

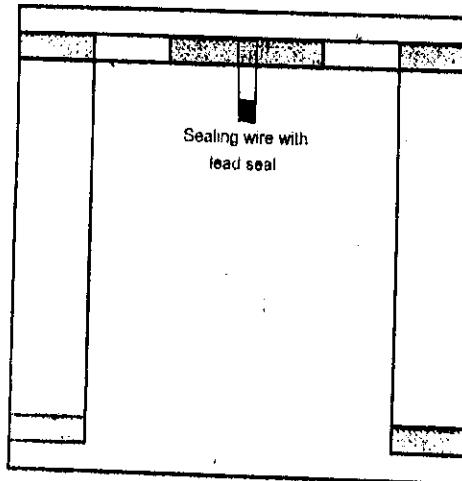
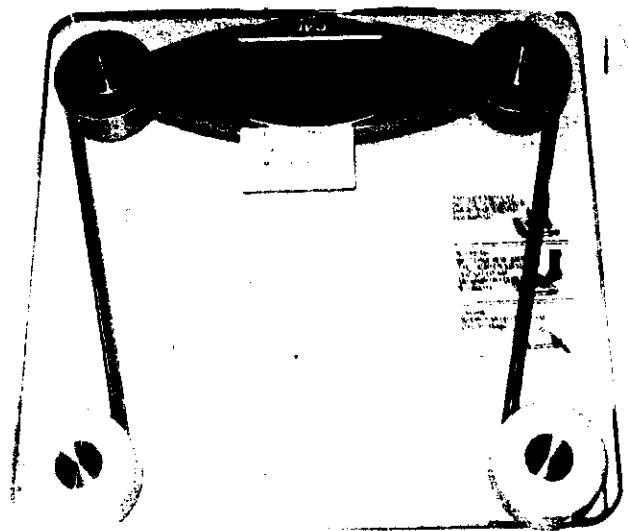


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200 kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg. to 2g. and with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2011]  
B. N. DIXIT, Director of Legal Metrology

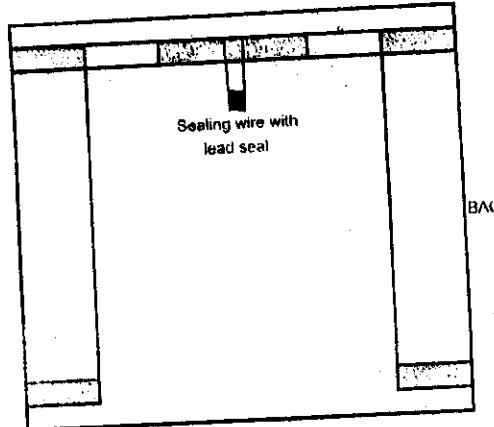
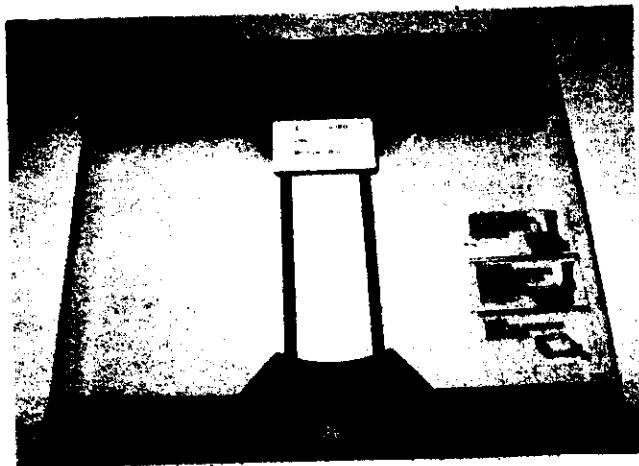
नई दिल्ली, 10 जनवरी, 2012

**का.आ. 1292.—**केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान उक्त मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेवीडी टेक्नोलॉजी (एशिया) पीटीई लि. नं. 12, लोयांग बांग, सिंगापुर-508975 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "866513" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) के मॉडल का, जिसके ब्रांड का नाम जेवीडी है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स एफसीएमएल प्रोजेक्ट्स ए-217, ओखला इंडस्ट्रियल एरिया, फेज-1, नई दिल्ली-110020 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है भारत में अनुमोदन दिल्ली-110020 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है। इसकी अधिकतम क्षमता 180 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण  $2 \times 1.5$  वी डीसी (3 वी) एएप बैटरी पर कार्य करता है।

## आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग बायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रहृष्टी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कोलिन्ड्रेशन तक पहुंच की सुविधा है। बाहरी कोलिन्ड्रेशन तक पहुंच को रोकने के लिए एची कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान कार्यपालन के अंतराल (एन) सहित 200 अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$ , या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(228)/2011]  
बी. एन. दीशित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th January, 2012

**S.O. 1392.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing scale) with digital indication of medium accuracy (accuracy class-III) of series "866513" and with brand name "JVD" (hereinafter referred to as the said model), manufactured by M/s. JVD Technologies (Asia) PTE Ltd., No. 12, Loyang Walk, Singapore-508975 and marketed in India without any alteration before or after sale by M/s. FCML Projects, A-217, Okhla Industrial Area, Phase-1, New Delhi-110020 which is assigned the approval mark IND/09/11/431;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person weighing scale) with a maximum capacity of 180 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The liquid crystal display (LCD) indicates the weighing result. The instrument operates on 2×1.5 V DC (3V) AAA batteries.

Figure-1

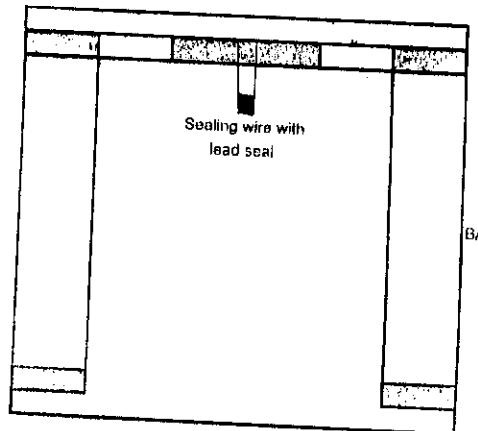
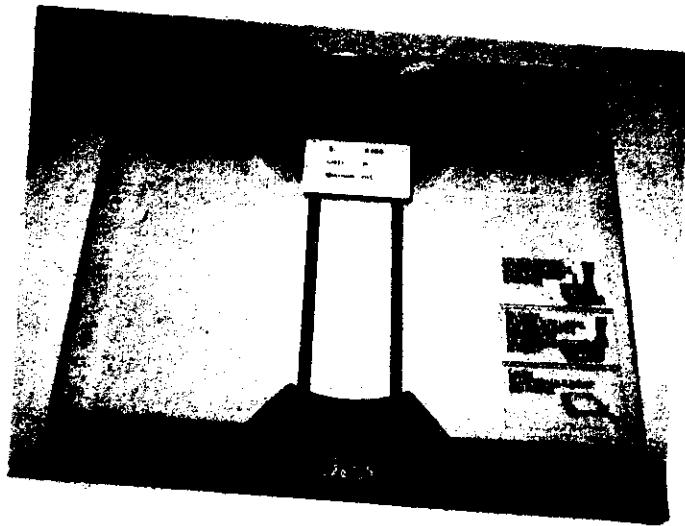


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g. or more and with 'e' of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2011]  
B. N. DIXIT, Director of Legal Metrology

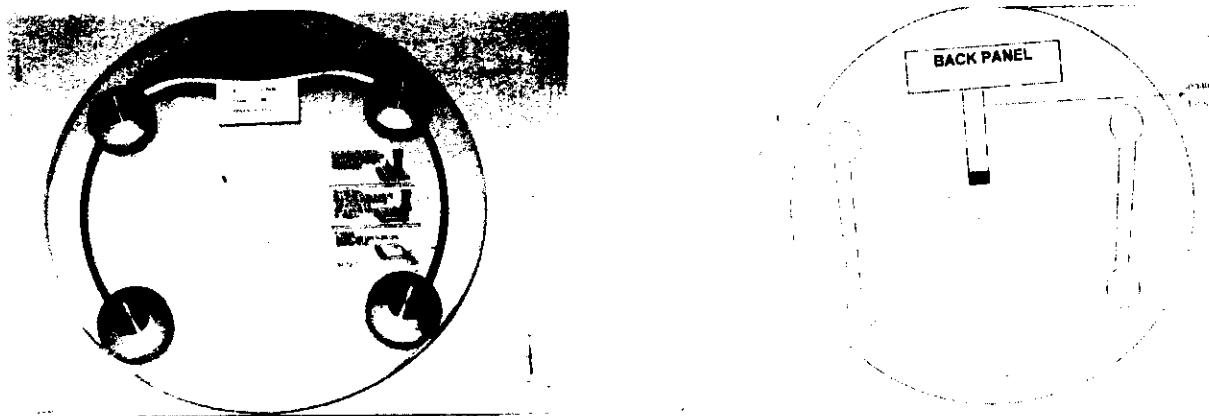
नई दिल्ली, 10 जनवरी, 2012

**का.आ. 1293.—**केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेवीडी टेक्नोलॉजी (एशिया) पीटीई लि. नं. 12, लोयांग वाक, सिंगापुर-508975 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "866515" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) के मॉडल का, जिसके ग्रांड का नाम "जेवीडी" है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स एफसीएमएल प्रोजेक्ट्स ए-217, ओखला इंडस्ट्रियल एरिया, फेज-1, नई दिल्ली-110020 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है भारत में अनुमोदन चिह्न आई एन डी/09/11/432 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिविंड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 2×1.5 बी डीसी (3 बी) एए बैटरी पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए.डी. कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) राहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^8$ ,  $2 \times 10^8$ , या  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू एम-21(228)/३०१.१  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th January, 2012

**S.O. 1293.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing scale) with digital indication of medium accuracy (accuracy class-III) of series "866515" and with brand name "JVD" (hereinafter referred to as the said model), manufactured by M/s. JVD Technologies (Asia) PTE Ltd., No. 12, Loyang Walk, Singapore-508975 and marketed in India without any alteration before or after sale by M/s. FCML Projects, A-217, Okhla Industrial Area, Phase-1, New Delhi-110020 which is assigned the approval mark IND/09/11/432 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person weighing scale) with a maximum capacity of 150 kg. and minimum capacity of 2kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The liquid crystal display (LCD) indicates the weighing result. The instrument operates on 2×1.5 V DC (3V) AAA batteries.

Figure-1

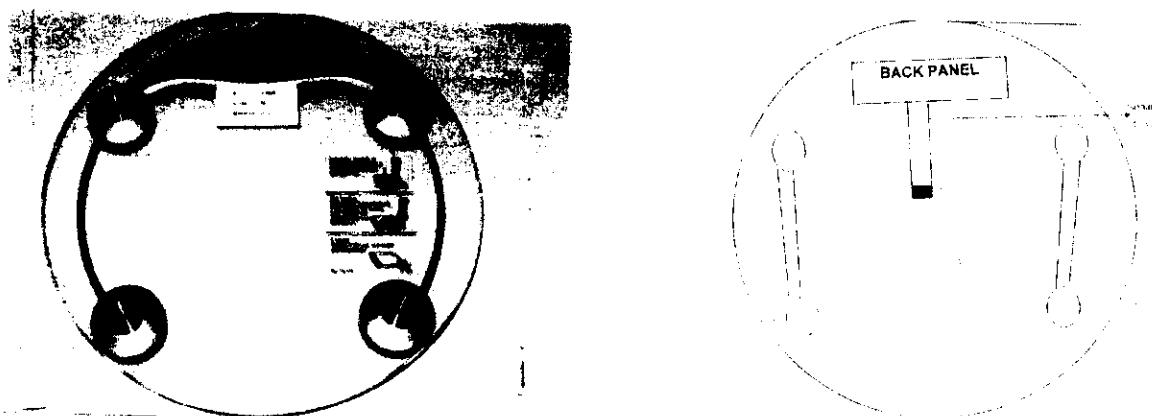


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg. to 2g. and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' of  $1 \times 10^k$ ,  $2 \times 20^k$ , or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (228)/2011]  
B. N. DIXIT, Director of Legal Metrology

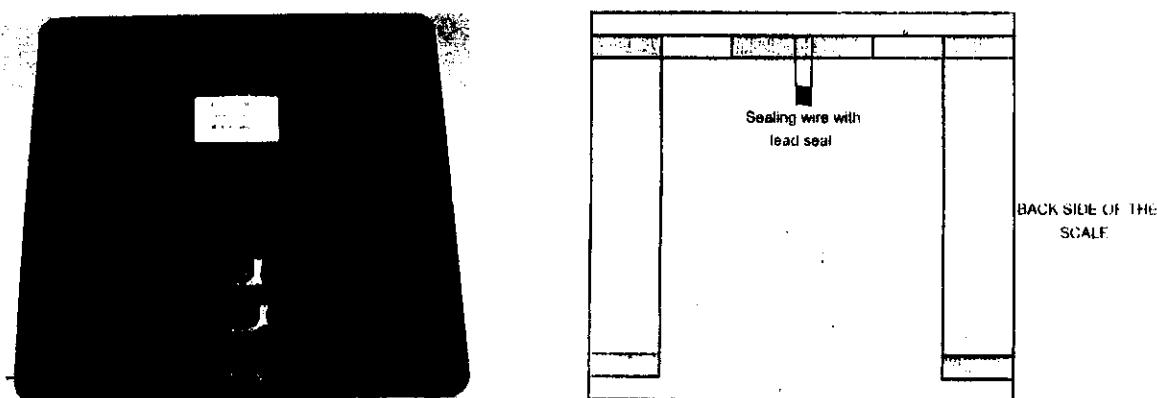
नई दिल्ली, 10 जनवरी, 2012

**का.आ. 1294.—**केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेवीडी टेक्नोलॉजी (एशिया) पीटीई लि. नं. 12, लोयांग वाक, सिंगापुर-508975 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “866753” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) के मॉडल का, जिसके ग्राण्ड का नाम “जेवीडी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स एफसीएमएल प्रोजेक्ट्स ए-217, ओखला इंडस्ट्रियल एरिया, फेज-1, नई दिल्ली-110020 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है भारत में अनुमोदन चिह्न आई एन डी/09/11/433 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। लिविड क्रिस्टल डिस्प्ले (एलसीडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण  $2 \times 1.5$ वी डीसी (3वी) एए बैटरी पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(228)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th January, 2012

**S.O. 1294.—Whereas** the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing scale) with digital indication of medium accuracy (accuracy class-III) of series "866753" and with brand name "JVD" (hereinafter referred to as the said model), manufactured by M/s JVD Technologies (Asia) PTE Ltd., No 12, Loyang Walk, Singapore-508975 and marketed in India without any alteration before or after sale by M/s. FCML Projects, A-217, Okhla Industrial Area, Phase-I, New Delhi-110020 which is assigned the approval mark IND/09/11/433;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person weighing scale) with a maximum capacity of 150kg. and minimum capacity of 2kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 2 × 1.5V DC (3V) AAA batteries.

Figure 1.

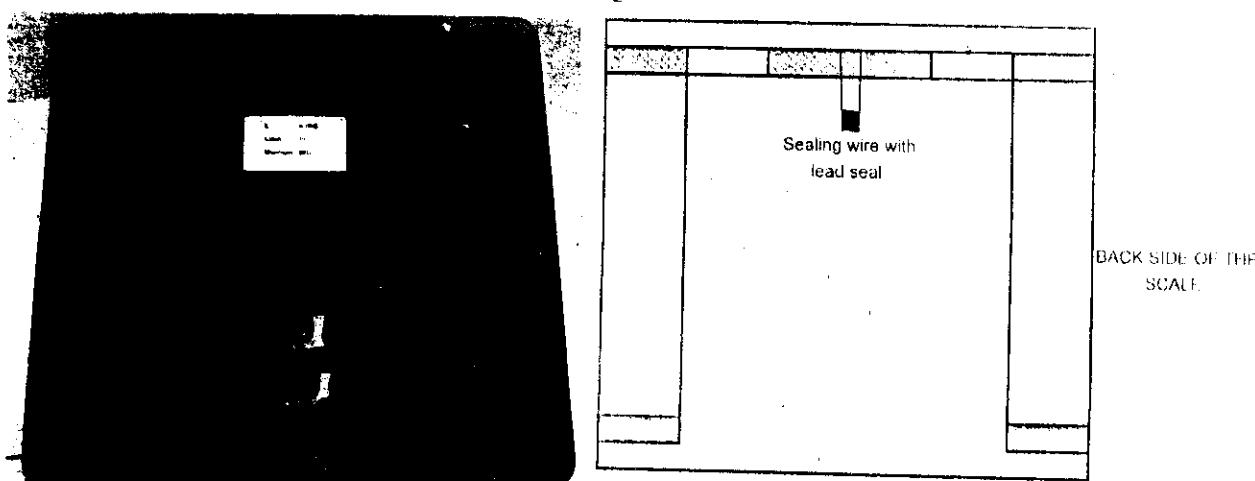


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200kg. with verification scale interval (*n*) in the range of 100 to 10000 for '*e*' value of 100mg to 2g, and with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5g, or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(228)/2011]  
B. N. DIXIT, Director of Legal Metrology

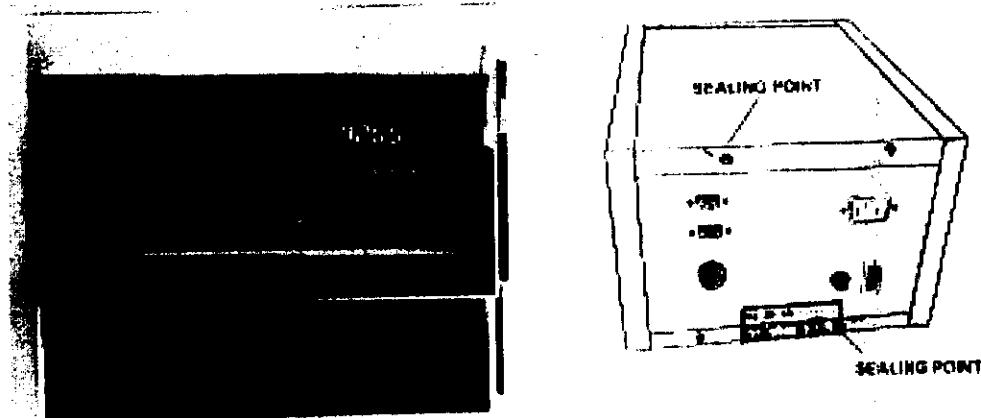
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1295.**—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रसुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तुला डिजीटल (I) प्रा.लि., ए-12 नारायण इंडस्ट्रियल एरिया, फेज 1, नई दिल्ली-28 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “टीडीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके ब्राण्ड का नाम “स्विफ्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन द्वितीय आई एन डी/09/11/254 समनुरोधित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलक्ट्रोनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत अधिकतमात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

## आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ ,  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

New Delhi, the 11th January, 2012

**S.O. 1295.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (Accuracy class-III) of series "TDF" and with brand name "SWIFT" (hereinafter referred to as the said model), manufactured by M/s Tula Digital (1) P. Ltd, A-12, Naraina Industrial Area Phase-I, New Delhi-28 and which is assigned the approval mark IND/09/11/254.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (*e*) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1

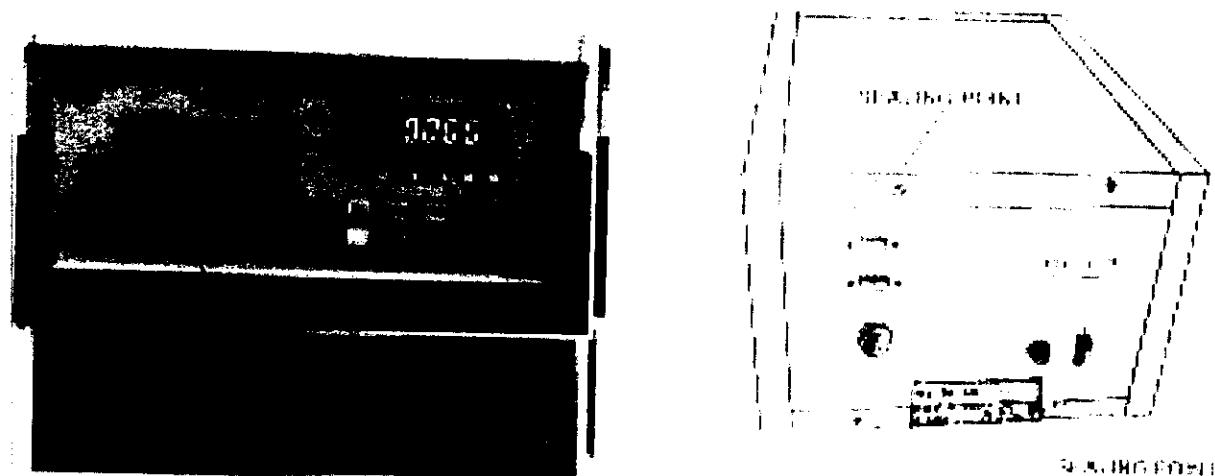


Figure-2—Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and up to 200 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

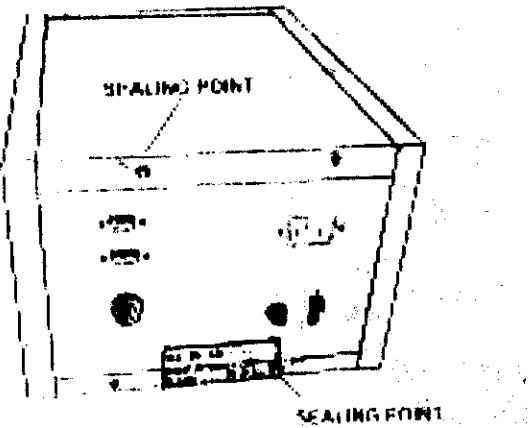
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1296.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए ऐसर्स तुला डिजीटल (I) प्रा.लि., ए-12, नारायणा इंडस्ट्रियल एरिया, फेज 1, नई दिल्ली-28 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “टीडीएफ-II” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके ब्राण्ड का नाम “स्विफ्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/255 समनुरेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 250 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रसूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रैंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ ,  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(139)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1296.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge, with digital indication of high accuracy (Accuracy class-II) of series "TDF-II" and with brand name "SWIFT" (hereinafter referred to as the said model), manufactured by M/s. Tula Digital (I) P. Ltd, A-12, Naraina Industrial Area, Phase-I, New Delhi-28 and which is assigned the approval mark IND/09/11/255;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 250kg. The verification scale interval (*e*) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

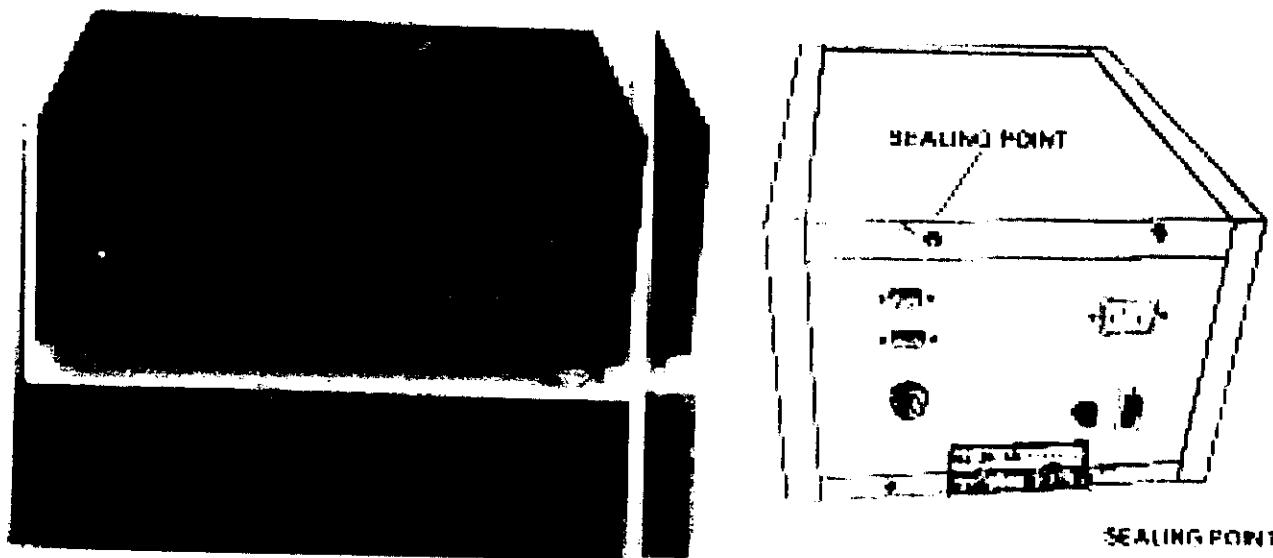


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through the two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and up to 200 tonne with verification scale interval (*n*) in the range of 5000 to 100,000 for '*e*' value of 100mg or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(139)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1297.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 के दूसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स कंगफु मेडीकल इक्यूपमेंट फैक्टरी, नं. 380, निंगकांग इस्ट रोड, युईजिंग सिटी, छिंजीआंग प्रोविंस, चीन द्वारा विनिर्मित यथार्थता वर्ग-II वाले 'केएफटी-03' शृंखला के अधिकतम डिवाइस अंकक सूचन सहित किलनीकल इलेक्ट्रीकल थर्मामीटर के साथ, जिसके ब्राण्ड का नाम "हिट्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स हिट्रो मेड सोल्यूशंस लिमिटेड हिट्रो कोपरेट, 7-2-ए-2, इंडस्ट्रीयल एस्ट, सनाथ नगर, हैदराबाद-500018 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में आयात किया गया और जिसे अनुमोदन चिह्न आई एन डी/09/11/412 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

आकृति-1



उक्त मॉडल हार्ड टिप टाइप किलनीकल इलेक्ट्रीकल थर्मामीटर है जो अधिकतम डिवाइस एल सी डी (लिकिव्ह फ्लिस्ट्व डायोड) साइप अंकक सूचन सहित मापमान रेंज  $32^{\circ}\text{C}$  से  $42^{\circ}\text{C}$  में है और जिसका न्यूनतम स्केल अंतराल  $0.1^{\circ}\text{C}$  है। इह 1.5 बी डीसी बैटरी से संरचालित होता है।

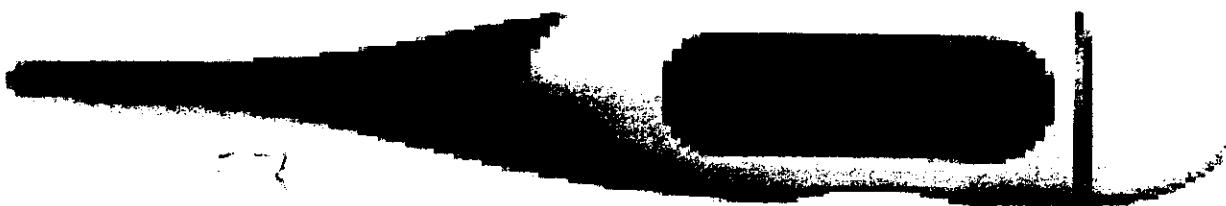
[फा. सं. उल्लू एम-21(247)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1297.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;**

Now, therefore, in exercise of the powers conferred by the second proviso to Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of Clinical Electrical Thermometer with Maximum Device with digital indication of accuracy class-II of series "KFT-03" and with brand name "HETERO" (hereinafter referred to as the said model), manufactured by M/s. Kangfu Medical Equipment Factory, No. 380, Ningkang East Road, Yueqing City, Zhejiang Province, China and imported in India without any alteration before or after sale by M/s. Hetero Med Solutions Limited, "Hetero Corporate", 7-2-A-2, Industrial Estates, Sanath Nagar, Hyderabad-500 018, Andhra Pradesh and which is assigned the approval mark IND/09/11/412.

Figure-1—Model



The said model is a hard tip type Clinical Electrical Thermometer with maximum device, having measurement range of 32°C to 42°C with digital indication of LCD (Liquid Crystal Display) type and the smallest scale interval is 0.1°C. It operates on 1.5V DC battery.

[F. No. WM-21(247)/2011]

B. N. DIXIT, Director of Legal Metrology

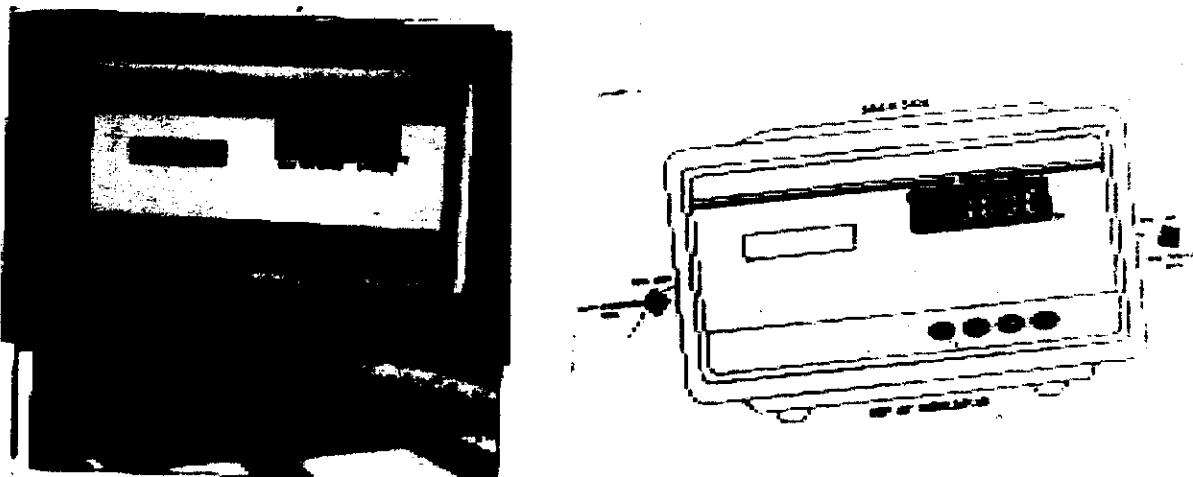
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1298.**—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम, 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रेजोल्यूट वेमेशन प्रा.लि., ए।-2, बेसमेंट, सुवर्धा पोस्ट ऑफिस के पीछे, जैन इंसार लेन के पास, नवरंगपुरा, अहमदाबाद-380009, गुजरात द्वारा विनिर्मित यथार्थता वर्ग-1 वाले “आरआरएमडब्ल्यू” शृंखला के अंकक सूचन सहित तोलन उपकरण “(स्वचालित रेल वेब्रिज)” (इन मोशन टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “रेजोल्यूट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/180 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित “स्वचालित रेल वेब्रिज” (इन मोशन टाइप) अधिकतम क्षमता/एकमल 23 टन/एकमल, अधिकतम क्षमता 150 टन है और न्यूनतम क्षमता 2 टन है। प्रमाण अन्तराल (डी) 100 कि.ग्रा. है। चलते हुए वाहन के एकमल का भार जो सभी भार सैलों द्वारा महसूस किया जाता है, को जोड़ा जाता है और सड़क के एक किनारे पर फिट किया गया जंक्सन बाक्स/कंट्रोलर के माध्यम से डिजिटल वेट इंडीकेटर में भरा जाता है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसकी अधिकतम प्रचालन गति 15 कि.मी./घंटा और न्यूनतम गति 3 कि.मी./घंटा है।

आकृति-1



आकृति-2: मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

बाड़ी के छेदों में से सीलिंग वायर निकालकर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सापग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से 300 टन की रेंज के साथ स्केल अंतराल (डी)  $\leq 200$  कि.गा. होगी।

[फा. सं. डब्ल्यू एम-21(43)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1298.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of "Automatic Rail Weighbridge" (In Motion type) with digital indication of Accuracy Class-I, of series "RRMW" and with brand name "REZOLUT" (hereinafter referred to as the said model), manufactured by M/s., Rezolut Weighmation Pvt. Ltd., A1-2, Basement, Suvarnabhumi, B/h Post Office, Nr. Jain Derasar Lane, Navrangpura, Ahmedabad-380009, Gujarat and which is assigned the approval mark IND/09/111/ 180 ;

The said model is a strain gauge type load cell based "Automatic Rail Weighbridge" (In Motion type) with a maximum capacity/axle of 23 tonne/axle, maximum capacity of 150 tonne and minimum capacity of 2 tonne. The scale interval ( $d$ ) is 100kg. The Weight of the axle of the vehicle in motion is sensed by all the load cells is summed up and fed to digital weight indicator through the junction box/controller fitted one side of the road. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply. Its maximum operating speed as 15km/hr and minimum operating speed is 3km/hr.

Figure -1

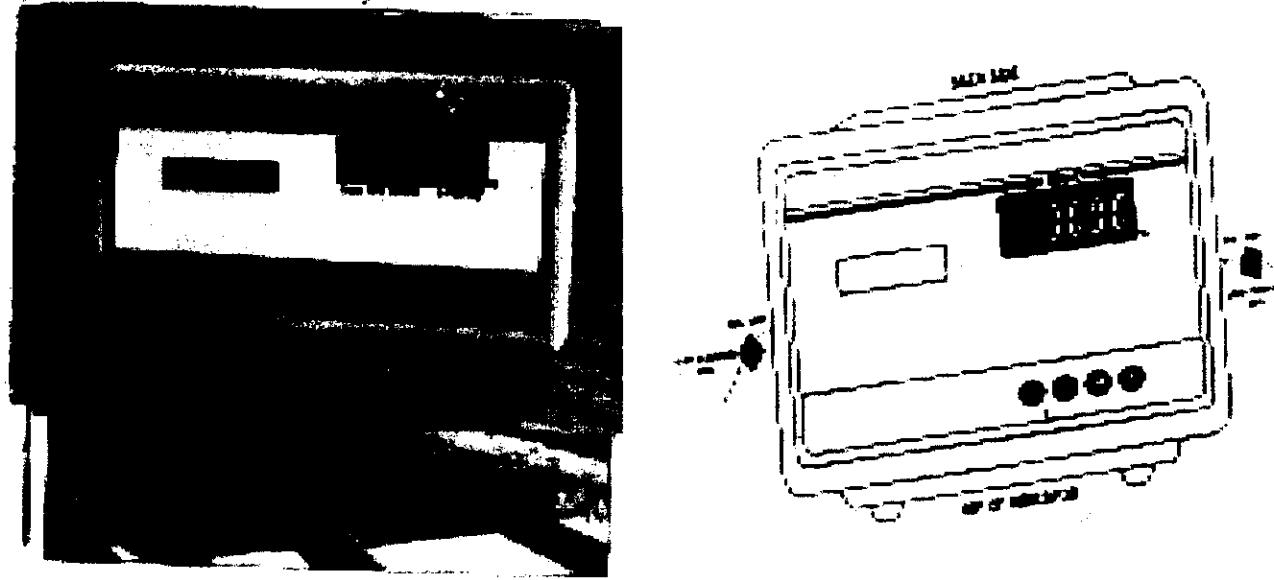


Figure-2—Schematic Diagram of sealing -provision of the model.

Sealing is done by passing the sealing wire from the body through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration,

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 5 tonne to 300 tonne with scale interval ( $d$ )  $\leq$  200kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (43)/2011]

B. N. DIXIT, Director of Legal Metrology

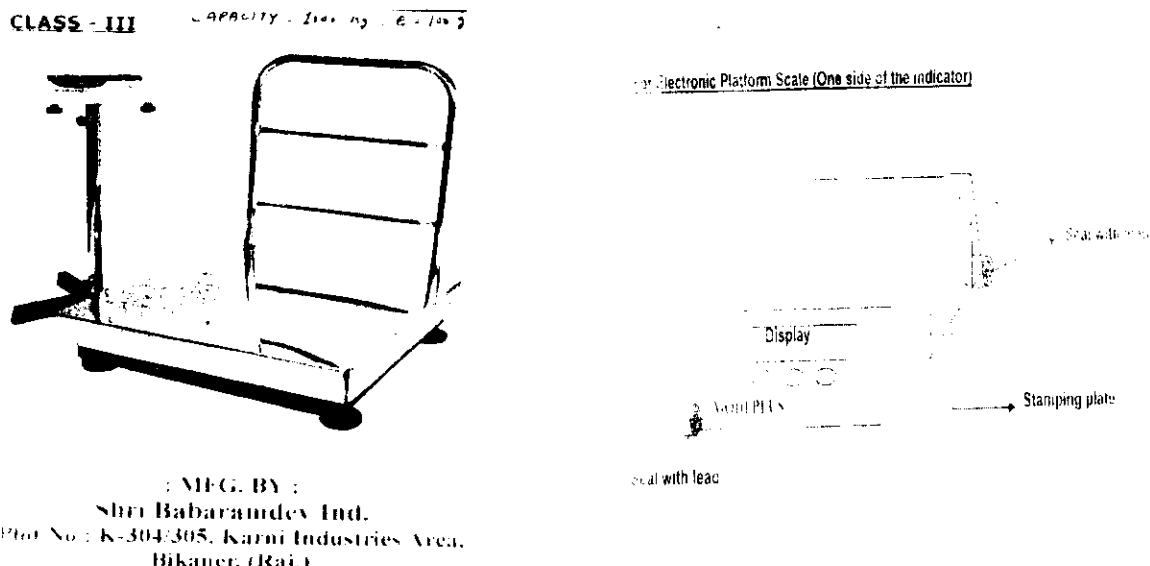
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1299.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री बाबा राम देव इंडस्ट्रीज, प्लाट नं. के 304/305, करनी इंडस्ट्रीज एरिया, बीकानेर, राजस्थान द्वारा विनिर्भित मध्यम यथार्थता वर्ग III) वाले “आर डी 102” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “मोटी प्लस्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/491 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है । सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



: MFG. BY :  
Shri Babaramdev Ind.  
Plot No. : K-304/305, Karni Industries Area,  
Bikaner, (Raj.)

Scale with lead

Stamping plate

आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्भित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो  $5$  कि.ग्रा. या उससे अधिक के “ई” मान के लिए  $500$  से  $10,000$  तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित  $50$  कि. ग्रा. से  $5000$  कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं ।

[ फा. सं. डब्ल्यू एम-21(254)/2011 ]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1299.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class III) of series "R.D. 102" and with brand name "MODI PLUS" (hereinafter referred to as the said model), manufactured by M/s. Shri Baba Ramdev Industries, Plot No. K304/305, Karni Industries Area, Bikaner, Rajasthan and which is assigned the approval mark IND/09/11/491.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval ( $e$ ) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

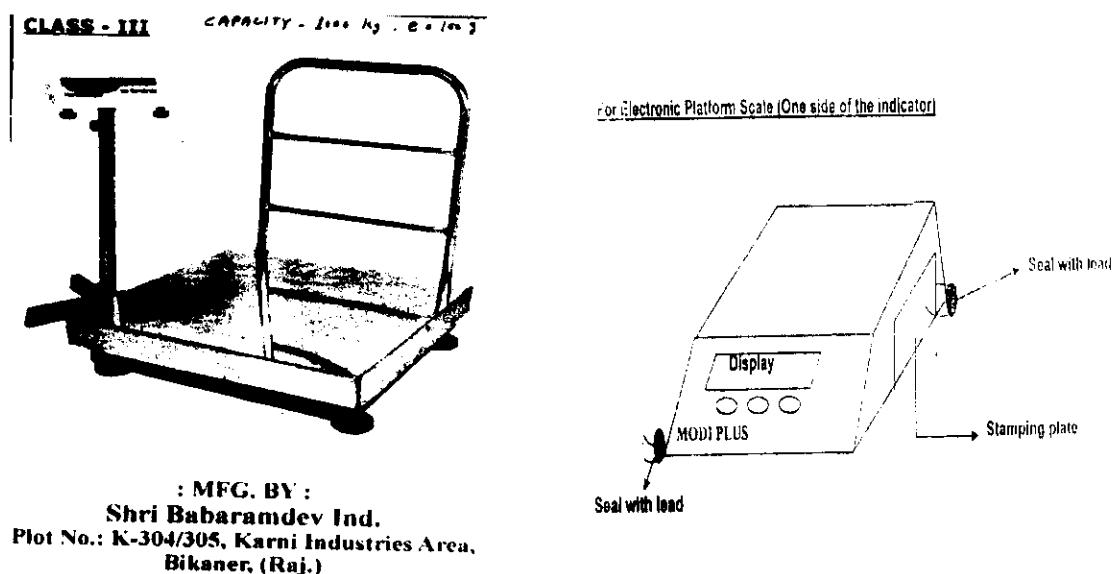


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg with verification scale interval ( $n$ ) in the range of 500 to 10000 for ' $e$ ' value of 5g or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(254)/2011]  
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1300.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम, 8 के उप-नियम (6) और नियम, 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री बाबा राम देव इंडस्ट्रीज, प्लाट नं. के 304/305, करनी इंडस्ट्रीज शिरिया, बीकानेर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “आर डी 101” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “मोटी प्लस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/492 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 किंग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

## आकृति-1

**CLASS - III**  
capacity : 30 Kg.  
Accuracy : 5 gm.

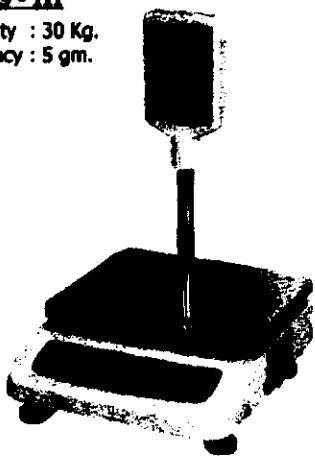
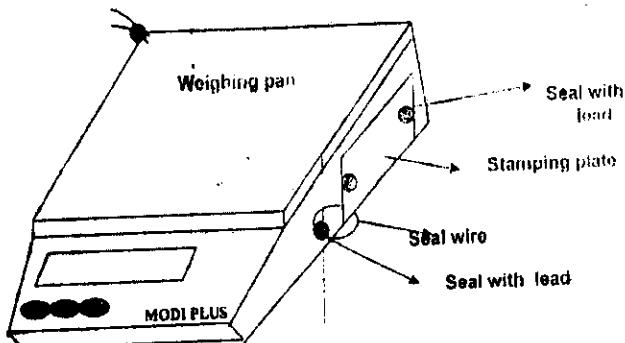


Table Top scale (One side of the scale)



: MFG. BY :  
Shri Babaramdev Ind.  
Plot No.: K-304/305, Karni Industries Area,  
Bikaner, (Raj.)

आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 30 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$ ,  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डल्लू एम-21(254)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1300.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (accuracy class III) of series "R.D. 101" and with brand name "MODI PLUS" (hereinafter referred to as the said model), manufactured by M/s. Shri Baba Ramdev Industries, Plot No. K304/305, Karni Industries Area, Bikaner, Rajasthan and which is assigned the approval mark IND/09/11/492.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval ( $e$ ) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

**CLASS - III**

capacity : 30 Kg.  
Accuracy : 5 gm.

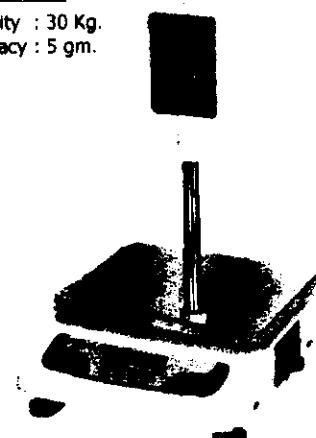


Table Top scale (One side of the scale)

: MFG. BY :  
Shri Babaramdev Ind.  
Plot No.: K-304/305, Karni Industries Area,  
Bikaner, (Raj.)

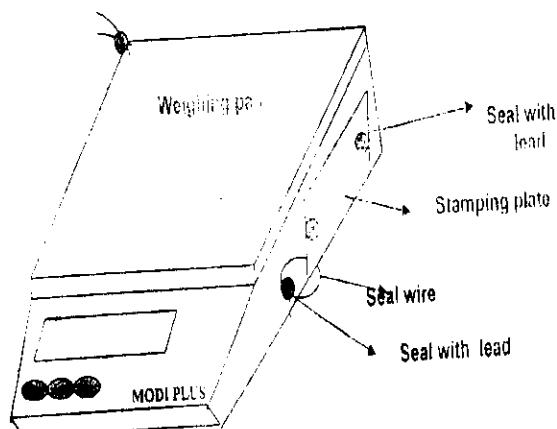


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval ( $n$ ) in the range of 100 to 10000 for ' $e$ ' value of 100mg to 2g and with verification scale interval ( $n$ ) in the range of 500 to 10000 for ' $e$ ' value of 5g or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(254)/2011]

B. N. DIXIT, Director of Legal Metrology

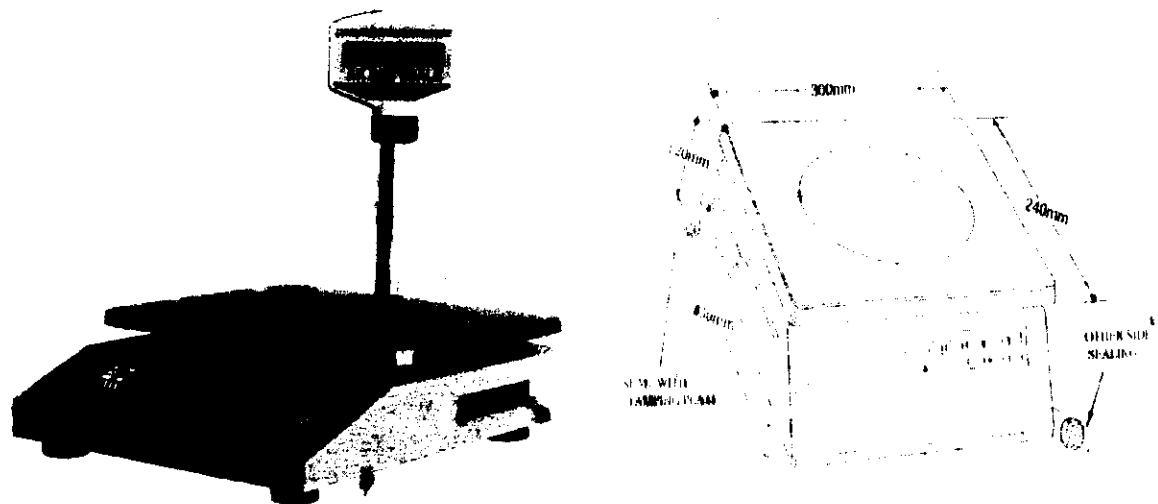
नई दिल्ली, 11 जनवरी, 2012

का.आ. 1301.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम, 8 के उप-नियम (6) और नियम, 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मास्ट्रोन डिजिटल सिस्टम, प्लाट नं. 74, मंगलदीप नगर नं. 2, बेसा-मानेवाडा रोड, नागपुर-440034 महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग ॥) वाले "एडीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एके डिजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/484 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्तर्वक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-१



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीरिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुतीय योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ₹/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम, 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण किया गया है, विनिर्मित उसी शृंखला की वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जौ 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि. ग्रा. या उससे अधिक "ई" मान के लिए 5000 से 100,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^8$ ,  $2 \times 10^8$ , या  $3 \times 10^8$ , के हैं, जो उन्नतमक या हाई-एंटक प्रूफिंग या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम-21(272)2011]  
बी. एस. रीडिंग, निदेशक, विधिक व्यवस्था

New Delhi, the 11th January, 2012

**S.O. 1301.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class II) of series "ADT" and with brand name "AK DIGI SCALE" (hereinafter referred to as the said model), manufactured by M/s. Masstron Digital Systems, Plot No. 74, Mangaldeep Nagar No. 2, Besa-Manewada Road, Nagpur-440034, Maharashtra and which is assigned the approval mark IND/09/11/484.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

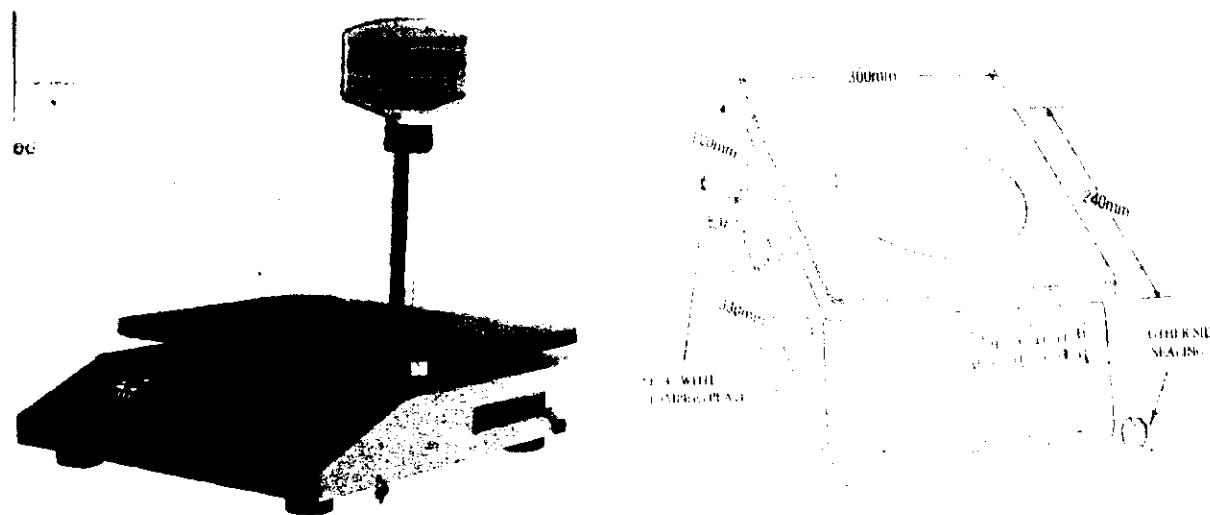


Figure-2 : Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (*n*) in the range of 100 to 100,000 for '*e*' value of 1mg to 50mg and with verification scale interval (*n*) in the range of 5000 to 10000 for '*e*' value of 100 mg or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(274)/2011]  
B. N. DIXIT, Director of Legal Metrology

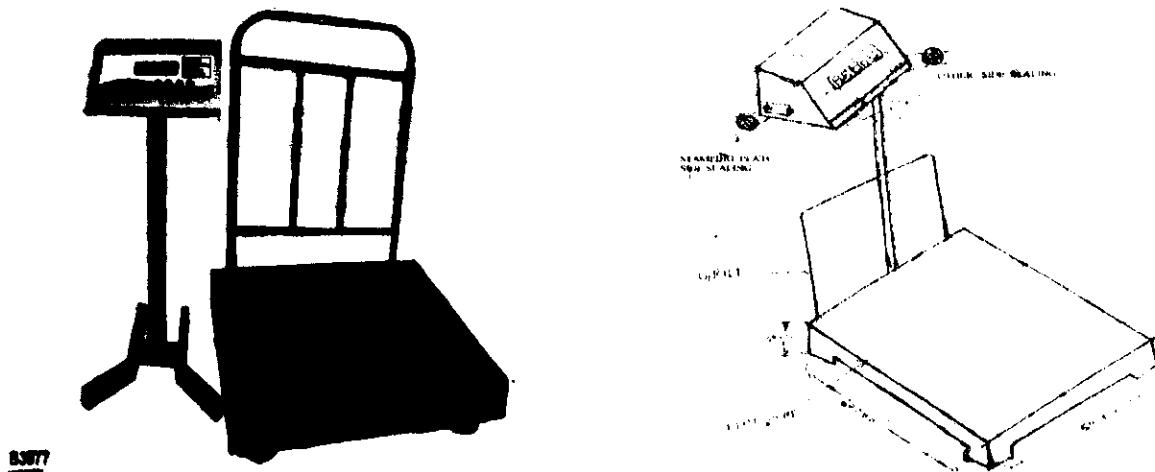
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1302.—**केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल व्याधार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मास्ट्रोन डिजिटल सिस्टम, प्लाट नं. 74, मंगलदीप नगर नं. 2, बेसा-मानेवाडा रोड, नागपुर-440034, महाराष्ट्र द्वारा विनिर्मित मध्यम व्याधार्थता (व्याधार्थता वर्ग III) वाले “एडीपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके छांड का नाम “एके डिजी स्केल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन फ़ी/09/11/485 समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है । सत्यापन मापमान अन्तराल ( $\text{ई}$ ) 100 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है । उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

#### आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है । बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए एची कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, व्याधार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(274)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th January, 2012

**S.O. 1302.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy Class III) of series "ADP" and with brand name "AK DIGI SCALE" (hereinafter referred to as the said model), manufactured by M/s. Masstron Digital Systems, Plot No. 74, Mangaldeep Nagar No. 2, Besa-Manewada Road, Nagpur-440034, Maharashtra and which is assigned the approval mark IND/09/11/485.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

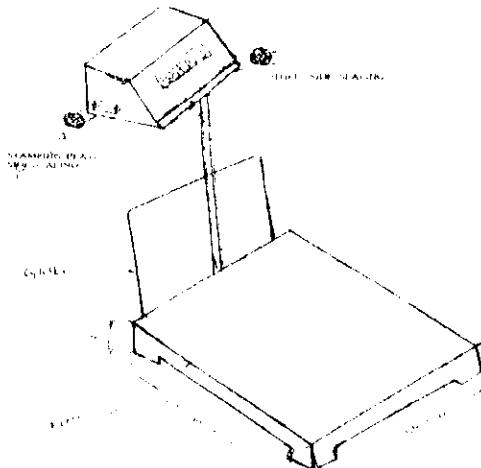
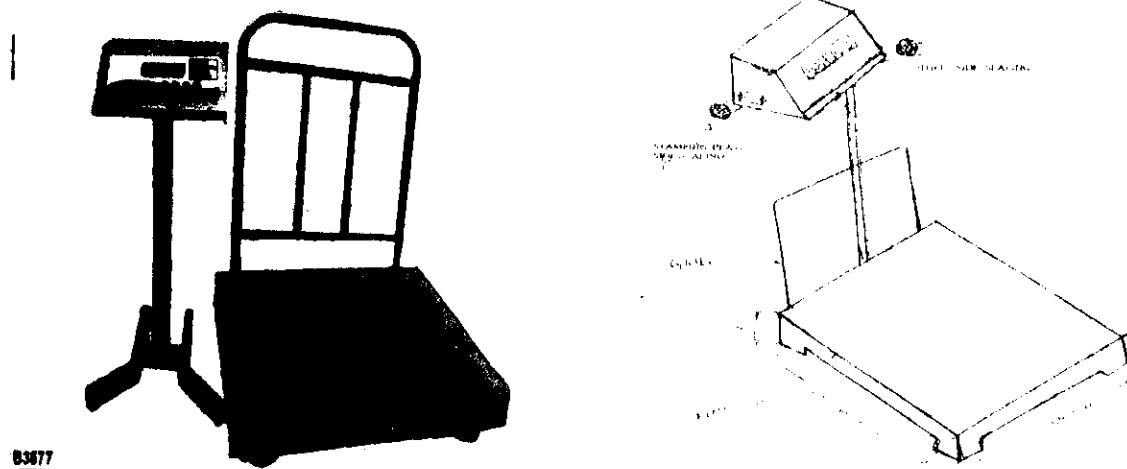


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5 g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$  where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(274)/2011]  
B. N. DIXIT, Director of Legal Metrology

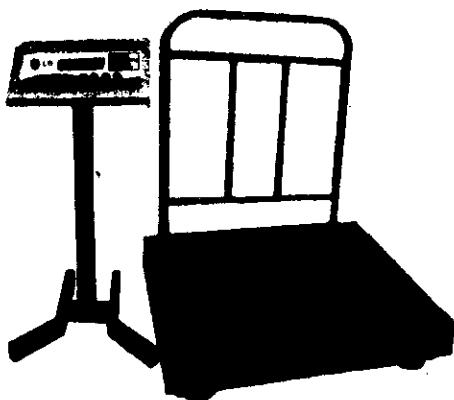
नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1303.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) को धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सार्प इंस्ट्रूमेंट्स, 126, रोटकर ले-आउट, न्यू ओम नगर, हडकेश्वर रोड, नागपुर-440034 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एल जी पी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एल जी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/388 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्दिशित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



93580

आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम :

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और ट्रॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

ओर केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतक क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ , या  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

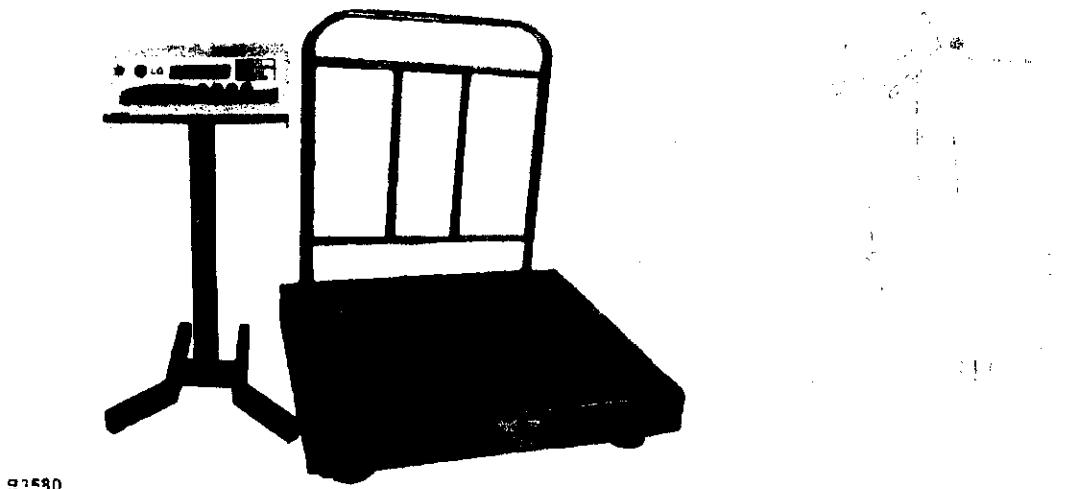
New Delhi, the 11th January, 2012

**S.O. 1303.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class III) of series "L.G. P." and with brand name "L.G." (hereinafter referred to as the said model), manufactured by M/s. Sharp Instruments, 126, Rotkar Lay-out, New Om Nagar, Hudkeshwar Road, Nagpur-440034 and which is assigned the approval mark IND/09/11/388;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1



92590

Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board/PCB to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(231)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 11 जनवरी, 2012

**का.आ. 1304.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इंस्ट्रॉमेंट्स, 126, रोटकर ले-आउट, न्यू ओम नगर, हडकेश्वर रोड, नागपुर-440034 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एल जी टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एल जी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/387 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

#### आकृति-2



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है। बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. स. डब्ल्यू एम-21(231)/2011 ]  
श्री. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th January, 2012

**S.O. 1304.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of medium accuracy (accuracy class-III) of series "L.G.T" and with brand name "L.G." (hereinafter referred to as the said model), manufactured by M/s. Sharp Instruments, 12b, Rukhsar Lay-out, New Om Nagar, Hudkeshwar Road, Nagpur-440034 and which is assigned the approval mark JNQ/DO/11/287.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval ( $e$ ) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1.



Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board/PCB to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval ( $n$ ) in the range of 100 to 10,000 for ' $e$ ' value of 100mg. to 2g. and with verification scale interval ( $n$ ) in the range of 500 to 10,000 for ' $e$ ' value of 5g. or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (231)/2011]

B. N. DIXIT, Director of Legal Metrology

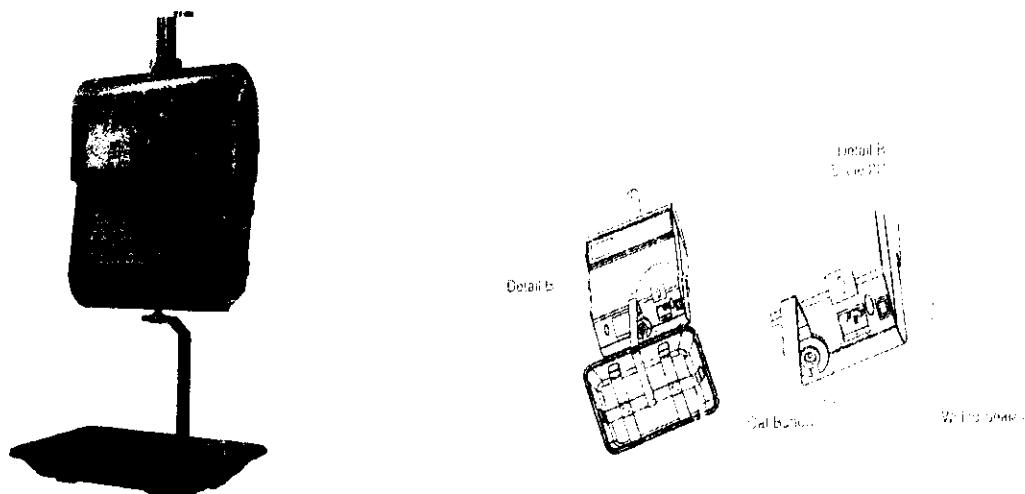
गई दिल्ली, 13 जनवरी, 2012

**का.आ. 1305.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो इंडिया प्राइवेट लिमिटेड, III बेस्ट टेंटु रोड, जिन्बर्ड डिस्ट्रीक्ट, झाँगझऊ, जिआंगसु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एलए-एच 22” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैंगिंग स्केल) के मॉडल का, जिसके बांड का नाम “मेटलर टोलेडो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे भारत में मैसर्स मेटलर टोलेड इंडिया प्राइवेट लिमिटेड अमर हिल्स, एस बी रोड, पोवई, मुंबई-400072 द्वारा बिक्री से पहले या बाद में बिना किसी बदलाव के विपणीत किया गया है और अनुमोदन चिह्न आई एन डी/09/11/358 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग स्केल) है । इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 100.ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । लिकिड क्रिस्टल डायोड (एलसीडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रधाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 .ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(209)/2011]  
बो. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th January, 2012

**S.O. 1305.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging scale) with digital indication of medium accuracy (accuracy class-III) of series "LA-H22" and with brand name "METTER-TOLEDO" (hereinafter referred to as the said model), manufactured by M/s. Mettler-Toledo India Private Limited, III West Taihu Road, Xinbei District, Changzhou, Jiangsu and marketed in India without any alteration before or after sale by M/s. Mettler-Toledo India Private Limited, Amar Hill, S. V. Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/09/11/358;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging Scale) with a maximum capacity of 15kg, and minimum capacity of 100g. The verification scale interval ( $e$ ) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1

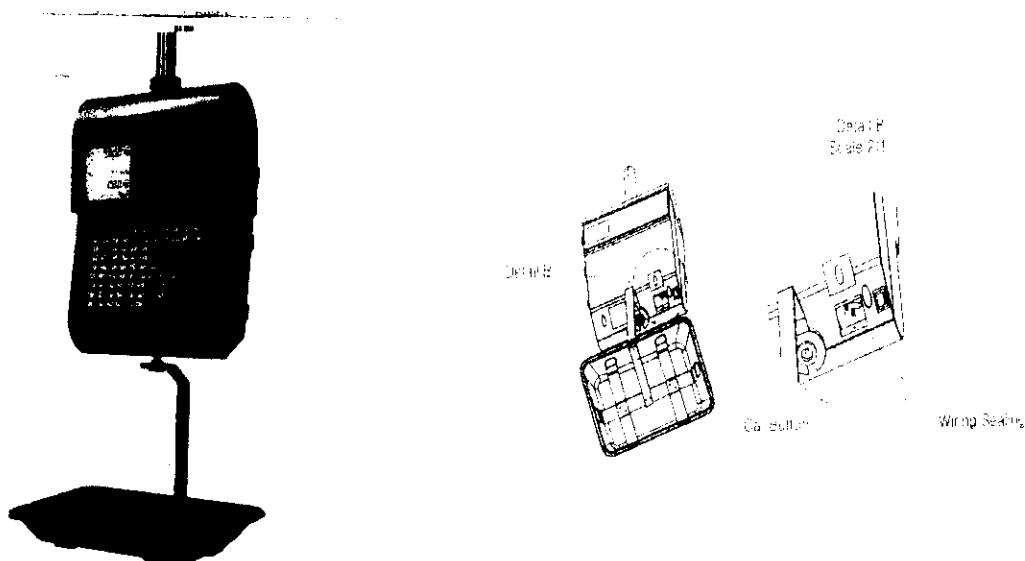


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg, with verification scale interval ( $n$ ) in the range of 100 to 10,000 for ' $e$ ' value of 100mg. to 2mg. and with verification scale interval ( $n$ ) in the range of 500 to 10,000 for ' $e$ ' value of 5mg. or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (209)/2011]

B. N. DIXIT, Director of Legal Metrology

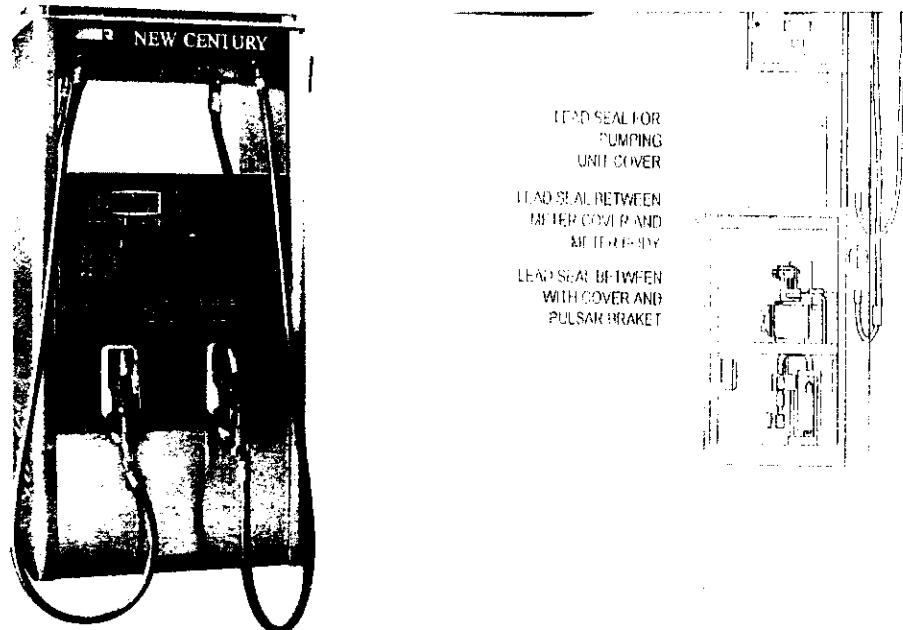
नई दिल्ली, 13 जनवरी, 2012

**का.आ. 1306.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 के दूसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सियामेन रोगांशुग न्यूसैंचुरी पेट्रोलियम इक्स्यूपर्मेंट मैन्यूफैक्चरिंग कं. लि. नं. 1299, टॉगिंजी एम रोड, टॉग एन. एक्सियामेन चीन-361100 द्वारा विनिर्मित और मैसर्स इस्टर्न गैसिज लि., 43, पैलेस, 1, केवाईडी स्ट्रीट, कोलकाता, पश्चिम बंगाल-700016 द्वारा भारत में विपणीत यथार्थता वर्ग 0.5 वाले “आरएक्सजे” श्रृंखला के पानी के अलावा अन्य द्रव्यों हेतु मीटर (मोटर व्हीकल के लिए फ्यूल डिस्पेंसर (एल पी जी डिस्पेंसर के अलावा) अंकक सूचन सहित, जिसके ब्रांड का नाम “न्यू सैंचुरी” (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) के मॉडल और जिसे अनुमोदन चिह्न आई एन डी/13/11/396 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल पानी के अलावा अन्य द्रव्यों हेतु मीटर [मोटर व्हीकल के लिए फ्यूल डिस्पेंसर (एल पी जी डिस्पेंसर के अलावा] जो पोजीटिव डिस्पलेसमेंट मीटर के सिद्धांत पर काय करता है। इसकी अधिकतम फ्लो दर 40 लीटर/मिनट और न्यूनतम फ्लो दर 4 लीटर/मिनट है। इसमें 6 अंकों तक राशि रूपए में 12 अंकों तक वॉल्यूम लीटर में, 4 अंकों तक फ्यूल रेट और टोटलाइजर 12 अंकों तक, धनत्व 4 अंकों में सूचित होता है। इन मापनों के अंकनों का लिकिवड क्रिस्टल डायोड (एल सी डी) डिस्पले पर परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें बहुप्रकार के इंधन जैसे कि गैसोलिन, डीजलऑयल, केरोसीन इत्यादि के वितरण करने की क्षमता है। पम्प प्रचालन सुविधा सहित जैसे प्रीसेट, नॉनप्रीसेट, इलेक्ट्रोनिक कैलिब्रेशन, कार्ड रीडर और पिंटर, इलेक्ट्रोनिक/इलेक्ट्रोमैनीकल टोटलाइजर आदि हैं।

#### आकृति-1



आकृति-2 सीलिंग प्रावधान।

फ्यूल डिस्पेंसर पर स्टाम्प की सत्यापन के लिए, नट बोल्ट के विपरित में दिए गए दो स्क्रू के होल्स में से लीडिड वायर बांध कर सीलिंग की जाती है। मॉडल के सीलिंग करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

मॉडल में इलेक्ट्रो-मैकेनिकल टोटलाइजर/इलेक्ट्रोनिक टोटलाइजर है। इसमें मैकेनीकल कैलिब्रेशन डिवाइस के अतिरिक्त इलेक्ट्रोनिक कैलिब्रेशन, कार्ड रीडिंग और प्रिंटिंग सुविधा युक्त है।

New Delhi, the 13th January, 2012

**S.O. 1306.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of Meter for Liquid other than Water [Fuel Dispenser for Motor Vehicles (other than LPG Dispenser)] with digital indication of accuracy class 0.5 (hereinafter referred to as said model) of series -'RXJ' with brand name "NEW CENTURY", manufactured by M/s. Xiamen Rongxing Newcentury Petroleum Equipment Mfg. Co. Ltd. No. 1299, Tongji M Road, Tong'An, Xiamen China-361100 and marketed in India by M/s. Eastern Gases Ltd, 43, Palace Court, I, Kyd Street, Kolkatta, West Bengal-700016 and which is assigned the approval mark IND/13/11/396;

The said model is a Meter for Liquid other than Water [Fuel Dispenser for motor Vehicles (other than LPG Dispenser)] working on the principle of positive displacement meter. Its maximum flow rate is 40 l/m and minimum flow rate is 4 litre/minute. It has indication of 6 digits for amount in Rupees, 12 digits for Volume in litre, 4 digits for rate and totalizer upto 12 digits, 4 digits for density display. The indications of the measurement are displayed on Liquid Crystal Diode (LCD) Display type. It operates on 230V, 50 Hertz alternate current power supply. It is capable of dispensing multiple variety of fuel that is Gasoline/Diesel oil/Kerosene etc. The pump consists of optional feature like preset, nonpreset, electronic calibration, card reader and printer, electronic/electromechanical totalizer etc.

Figure-1 Model

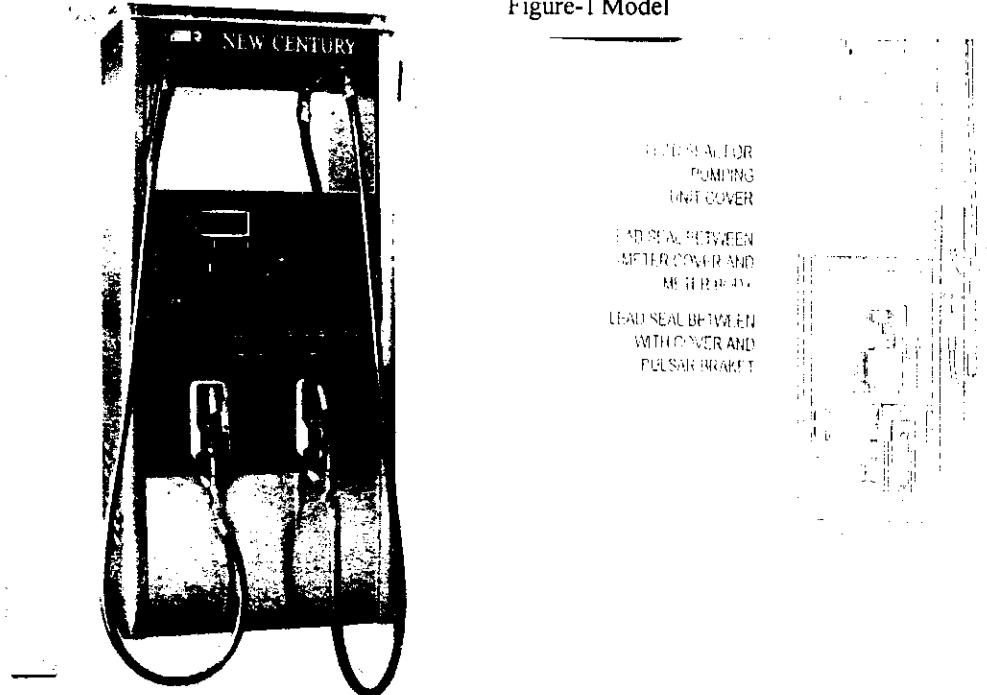


Fig.2- Sealing arrangement

Sealing is done by leaded wire fastened through 2 screws with holes provided opposite to nut bolts and for receiving verification stamp on seal of the fuel dispenser. A typical schematic diagram of sealing provision of the model is given above.

The said model has electro-mechanical totalizer/electronic totalizer. It is also having electronic calibration facility in addition to mechanical calibration device, card reading and printing facility.

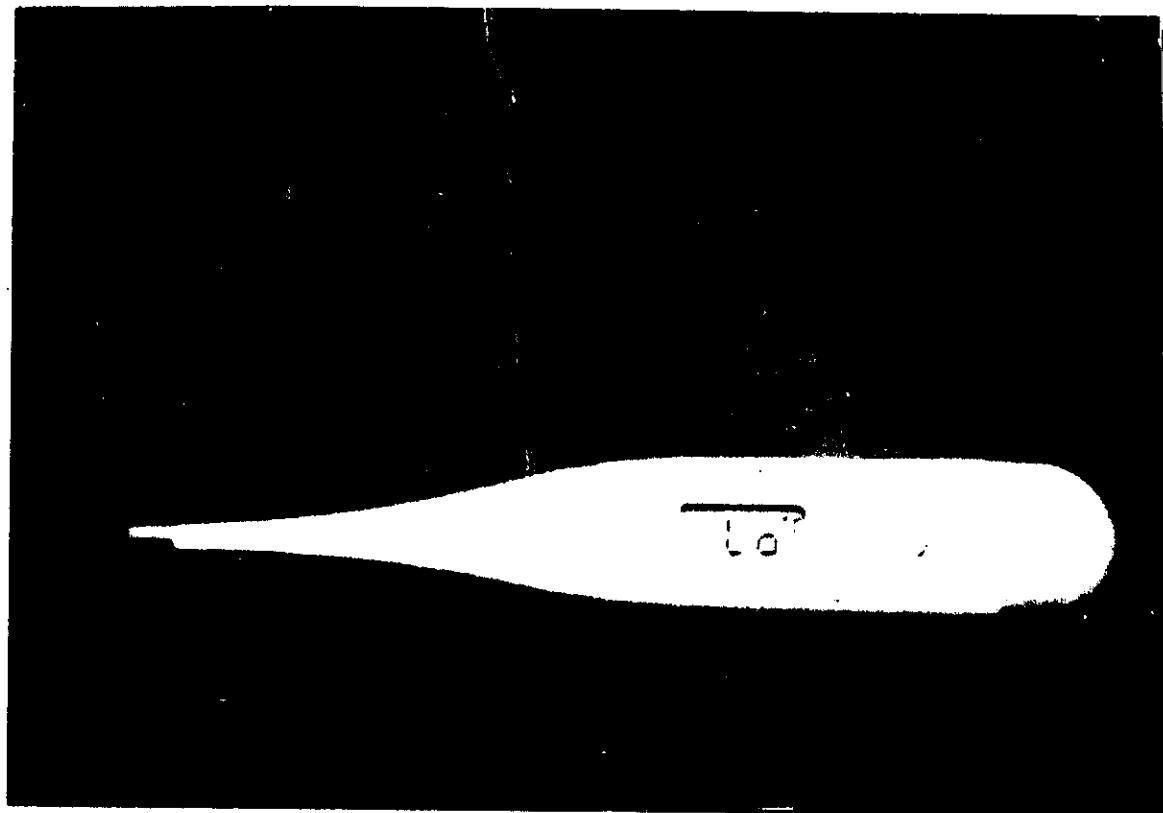
[F. No. WM-21 (197)/2011]  
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 13 जनवरी, 2012

**का.आ. 1307.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 के दूसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हेंगझऊ सेजॉय इलेक्ट्रोनिक्स एंड इंस्ट्रुमेंट कं. लि. बिल्डिंग 2, नं. 202, झेनझौग रोड, बेस्ट लेक इकोनोमी एंड टैक्नोलॉजी जोन, हेंगझऊ, चीन-310030 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले “एमटी” शृंखला के अधिकतम डिवाइस अंकक सूचन सहित, किलोनीकल इलेक्ट्रीकल थर्मामीटर के साथ, जिसके ब्रांड का नाम “डा.जेने” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स माइक्रोजीन डायगोनोस्टिक सिस्टम (प्रा.) लि. 806, विक्रम टावर, राजेन्द्रा पलेस, नई दिल्ली-110008 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में आयात किया गया और जिसे अनुमोदन चिह्न आई एन डी/09/11/339 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है ।

आकृति-1



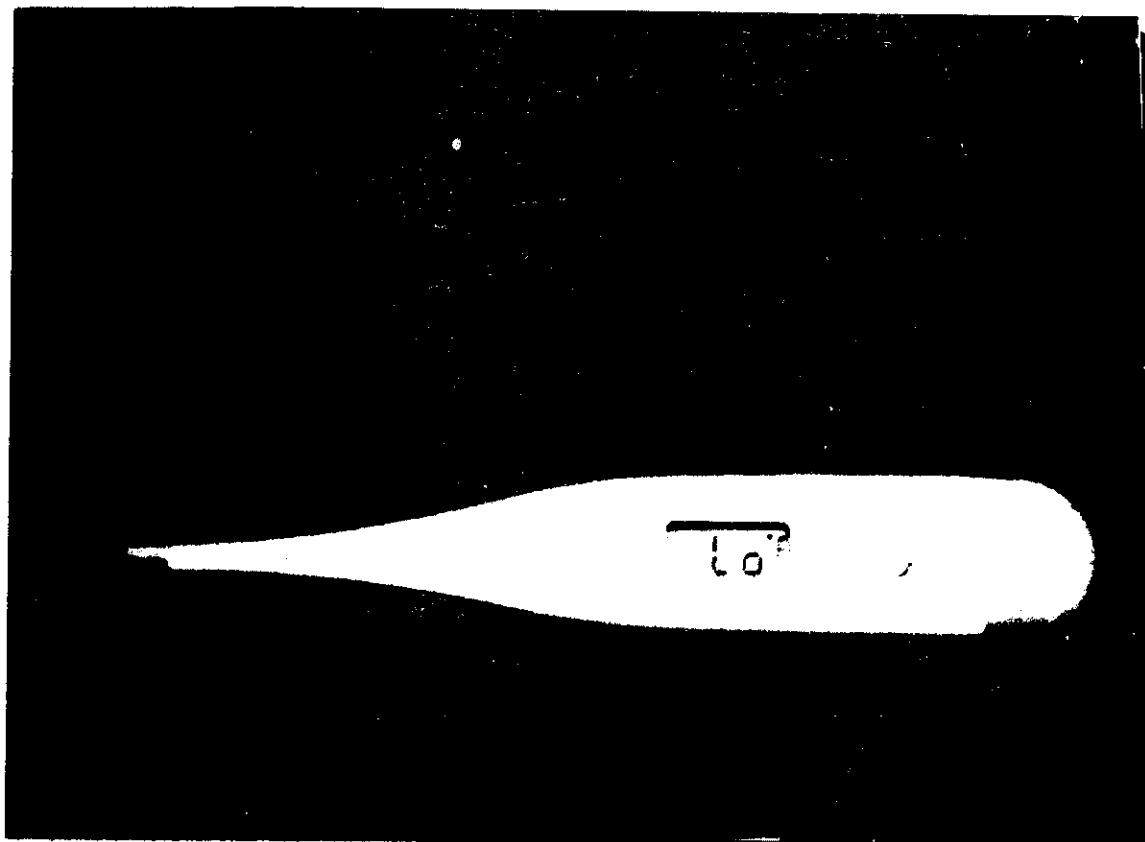
उक्त मॉडल हार्ड टाइप किलोनीकल इलेक्ट्रीकल थर्मामीटर है जो अधिकतम डिवाइस, एल सी डी (लिकिड क्रिस्टल डायोड) टाइप अंकक सूचन सहित मापमान रेंज  $32.0^{\circ}\text{C}$  से  $42.9^{\circ}\text{C}$  में है और जिसका न्यूनतम स्केल अंतराल  $0.1^{\circ}\text{C}$  है । यह 1.5वी डी सी बैटरी से परिचालित होता है ।

New Delhi, the 13th January, 2012

**S.O. 1307.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the second proviso to Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of Clinical Electrical Thermometer with Maximum Device with digital indication of Accuracy Class-II of series "MT series" and with brand name "Dr. Gene" (hereinafter referred to as the said model), manufactured by M/s. Hangzhou Sejoy Electronics and Instruments Co. Ltd., Building 2, No. 202, Zhenzhong Road, West Lake Economy & technology Zone, Hangzhou, China 310030 and imported in India without any alteration before or after sale by M/s Microgene Diagnostic Systems (P) Ltd., 806, Vikram Tower, Rajendra Place, New Delhi-110008 and which is assigned the approval mark IND/09/11/339.

Figure-1 Model



The said model is a hard tip type Clinical Electrical Thermometer with maximum device, having measurement range of 32.0°C to 42.9°C with digital indication of LCD (Liquid Crystal Display) type and the smallest scale interval is 0.1°C. It operates on 1.5V DC battery.

[F. No. WM-21 (190)/2011]  
B. N. DIXIT, Director of Legal Metrology

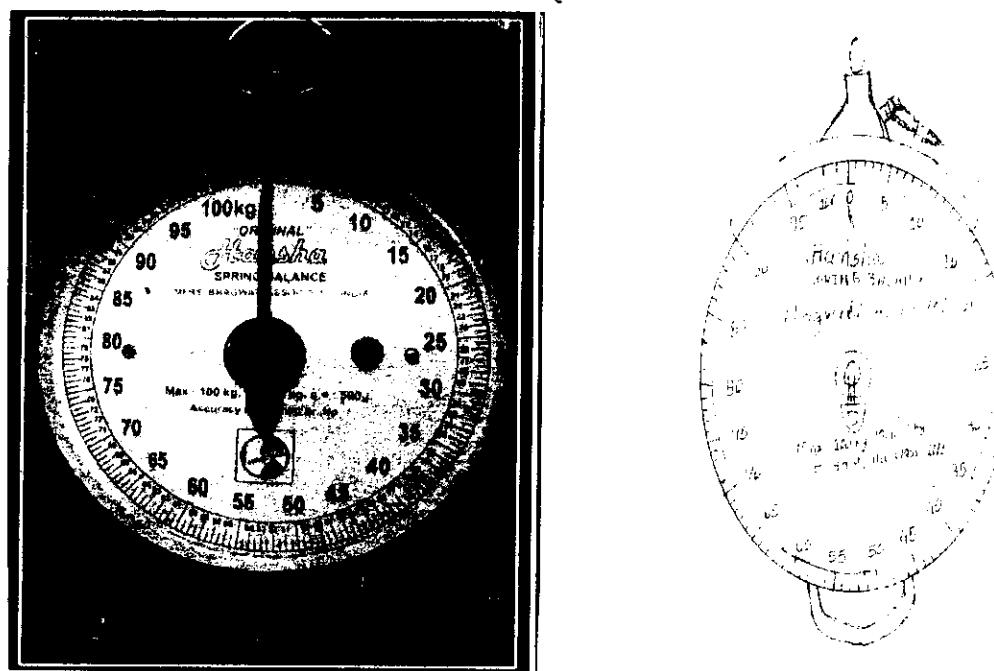
नई दिल्ली, 13 जनवरी, 2012

**का.आ. 1308.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भगवती एसोसिएट, 203, श्री राम इंडस्ट्रियल एस्टेट, एस राधाकृष्णन मार्ग, अंधेरी (ई), मुंबई-400069, महाराष्ट्र द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग III) वाले “हंसा-26” शृंखला के अस्वचालित तोलन उपकरण (मेकेनिकल स्प्रिंग बेलेंस हैंगिंग एवं डायल टाइप) के मॉडल का, जिसके ब्रांड का नाम “हंसा” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/499 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल स्प्रिंग सिद्धांत पर आधारित मेकेनिकल अस्वचालित तोलन उपकरण (मेकेनिकल स्प्रिंग बेलेंस हैंगिंग एवं डायल टाइप) है । इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 500 ग्रा. है सत्यापन मापमान अंतराल (ई) 500 ग्रा. है । अंशाकन स्केल पर दिया गया स्वांतर मापमान को सूचित करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

उपकरण की बाढ़ी पर दिए गए छेदों में से लीड और सील वायर लगाकर सील किया जा सकता है । कपटपूर्ण व्यवहार के लिए मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूप योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 100 से 1000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ , या  $5 \times 10^6$ , के हैं, जो धनान्यक या ऋणान्यक पूर्णांक या शून्य के समतुल्य हैं ।

[ फा. सं. डब्ल्यू एम-21(262)/2011 ]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th January, 2012

**S.O. 1308.**—Whereas the Central Government after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical spring balance hanging and dial type) of ordinary accuracy (accuracy class-III) of series "HANSHA-26" and with brand name "HANSHA" (hereinafter referred to as the said model), manufactured by M/s. Bhagwati Associates, 203, Shri Ram Industrial Estate, S. Radhakrishna Marg, Andheri (E), Mumbai-400069, Maharashtra and which is assigned the approval mark IND/09/11/499.

The said model is the principal of spring based non-automatic weighing instrument (Mechanical spring balance hanging and dial type) with a maximum capacity of 100kg. and minimum capacity of 5kg. The verification scale interval (e) is 500g. A pointer on the dial indicates the results of the measurement.

Figure-1

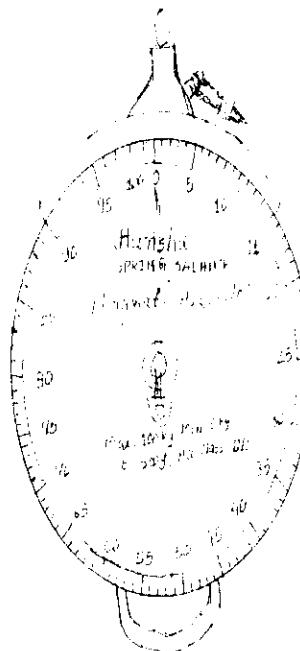
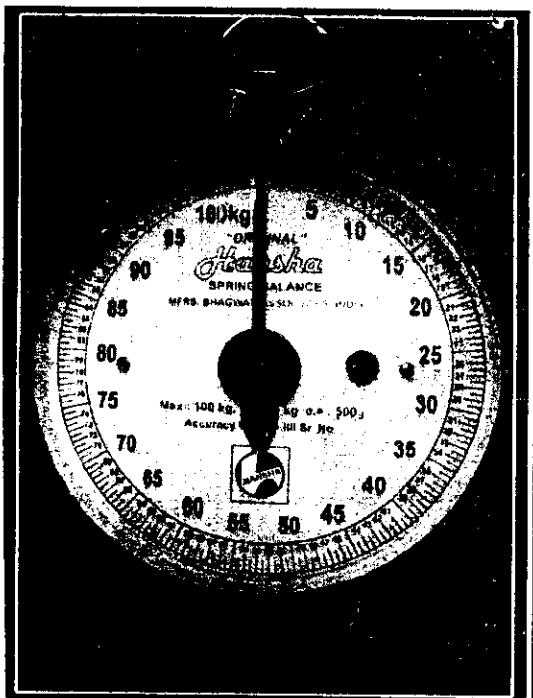


Figure-2 : Sealing diagram of sealing provision of the model.

Sealing can be done by applying lead and seal wire through the holes provided on the body of the instruments. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200kg. with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 13 जनवरी, 2012

**का.आ. 1309.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एनोवा इन्वोवेटिव सोल्यूशन, बाई-पास जंक्शन, कोनडोटी, (पी ओ) मलाप्पुरम-673638 केरल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एन-टीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “एनोवा” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/365 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) ५ ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1

**ANOVA**



**आकृति-2 :** मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ , या  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं ।

New Delhi, the 13th January, 2012

**S.O. 1309.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of medium accuracy (accuracy class III) of series "AN-TT" and with brand name "ANOVA" (hereinafter referred to as the said model), manufactured by M/s. Anova Innovative Solutions, Bye-pass Junction, Kondotty (PO), Malappuram-673638, Kerala and which is assigned the approval mark IND/09/11/365.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1



Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg. to 2g. and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5 g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(211)/2011]  
B. N. DIXIT, Director of Legal Metrology

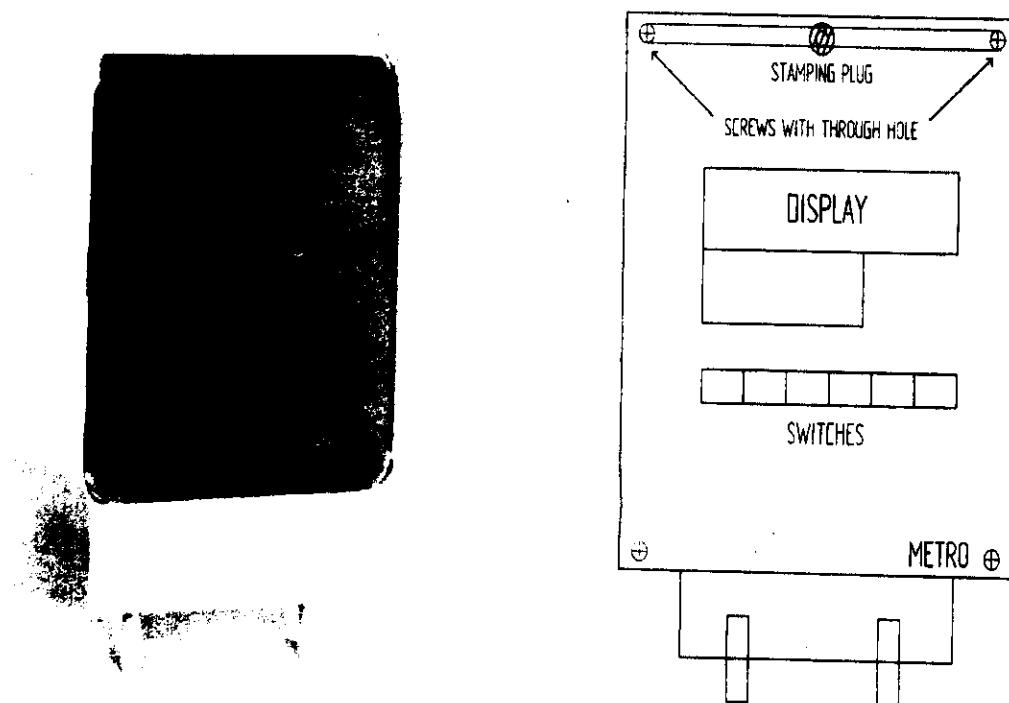
नई दिल्ली, 18 जनवरी, 2012

का.आ. 1310.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथोर्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ओरिआॅन आटोमेशन सिस्टम्स, नं. 39, 7वां मैन, जे.सी. इंडस्ट्रीयल एस्टेट, कनकपुरा रोड़ बंगलौर-560002 कर्नाटक द्वारा विनिर्मित "मेट्रो" शृंखला के अंकेक सूचन सहित "टैक्सी/आटो फेयर मीटर" के मॉडल का, जिसके ब्रांड का नाम "ओरिआॅन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/468 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल "टैक्सी/आटो फेयर मीटर" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है । सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है । मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है । टैक्सी मीटर का 'के' फेक्टर 1350 प्लसेस प्रति किलोमीटर पर चलता है । इंडीकेटर में 6 अंक दो दशमलव सहित अधिकतम किरण्या सूचन के लिए, 4 अंक एक दशमलव सहित, कि.मी. में अधिकतम दूरी दर्शाने के लिए और 4 अंक (2 अंक मिनट और 2 अंक सैकंड के लिए) अधिकतम समय दर्शाने के लिए, और 4 अंक (2 अंक घंटा और 2 अंक मिनट के लिए) (आर टी सी) वास्तविक समय सूचन के लिए ।

आकृति-1



आकृति-2—मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम ।

सील और स्टाम्प के सत्यापन के लिए दिए गए दो स्क्रू होल्ज वाले में से लीडिंग वायर निकाल मीटर की रियर बाटम साइड में सील एवं स्टाम्प की जाती है । सील से छेड़छाड़ किए बिना मीटर को खोला नहीं जा सकता । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

[फा. सं. डब्ल्यू एम-21(253)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1310.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi/Auto Fare Meter" with digital indication (hereinafter referred to as the said model) of "METRO" series and with brand name "ORION" manufactured by M/s. Orion Automation Systems, No. 39, 7th Main, J.C. Industrial Estate, Kanakapura Road, Bangalore-560002, Karnataka and which is assigned the approval mark IND/09/11/468;

The said model of "Taxi/Auto Fare Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as function of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the light emitting diode (LED) display. The 'k' factor of the Taxi Meter is 1350 pulses per kilometer. The indicator have 6 digits with two decimal points for maximum fare indication, 4 digits with one decimal point in km for maximum distance indication, and 4 digits (2 digits for minute and, 2 digits for second) for maximum time indication, and 4 digits (2 digits for hour, 2 digits for minutes) for Real Time Clock (RTC) indication.

Figure-1

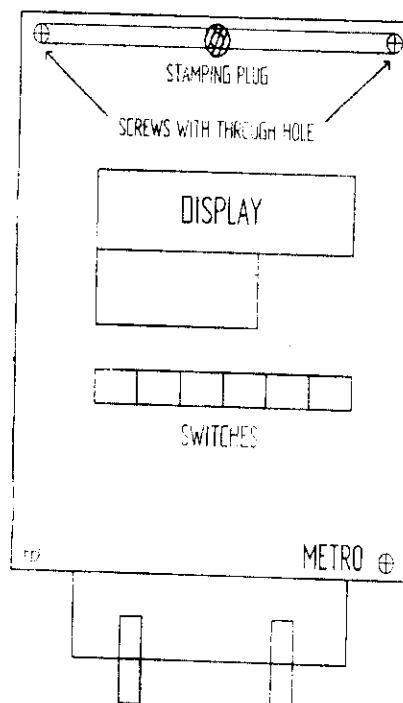
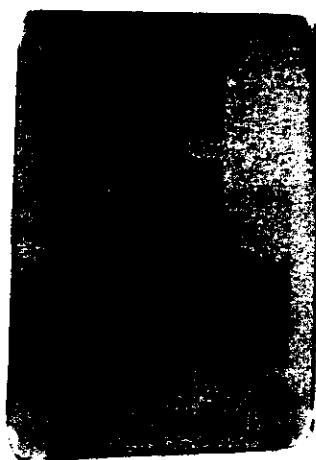


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the rear bottom side of the meter, two screws with holes are provided through which the leaded wire will be passed to receive the verification seal and stamp. The meter cannot be opened without tampering the seal. A schematic diagram of sealing provision of the model is given above.

[ F. No. WM-21(253)/2011]

B. N. DIXIT, Director of Legal Metrology

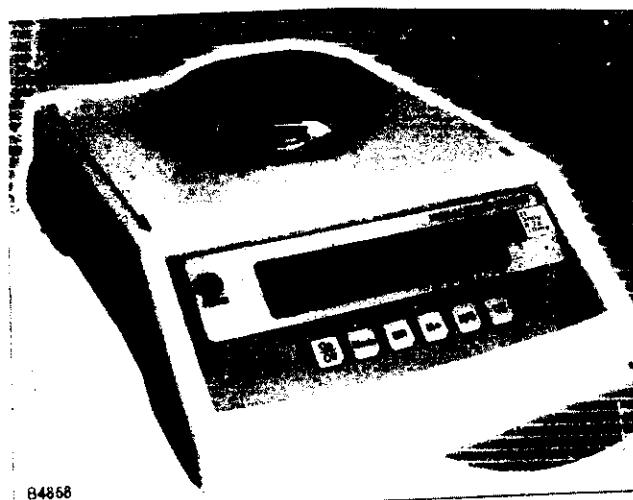
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1311.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर्या स्केल्स, राम मोहन रोड, आर्य समाज आफिस के सामने, कालीकट-4, केरल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एजे” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “आर्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/494 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एलईडी/एलसीडी प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

#### आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रसूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे । मि. ग्रा. से 50 मि.ग्रा.तक के “ई” मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(252)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1311.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of high accuracy (accuracy class-II) of series "AJ" and with brand name "ARYA" (hereinafter referred to as the said model), manufactured by M/s. Arya Scales Ram Mohan Road, Opposite Arya Samaj Office, Calicut-4, Kerala and which is assigned the approval mark IND/09/11/494;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 300 g. and minimum capacity of 200mg. The verification scale interval ( $e$ ) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

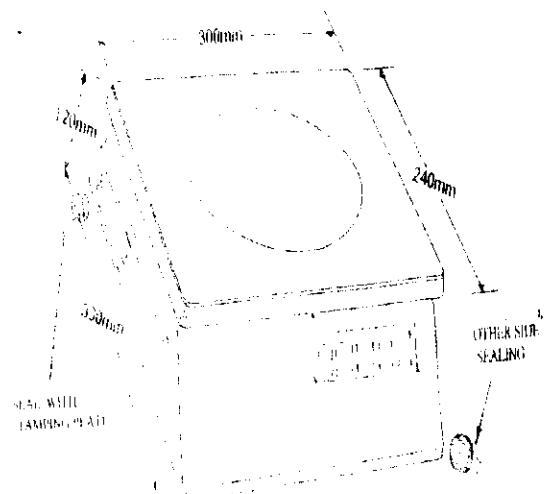
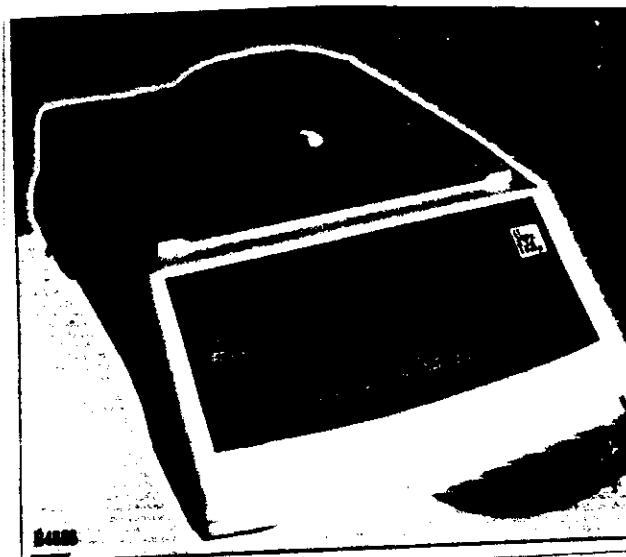


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval ( $n$ ) in the range of 100 to 100,000 for ' $e$ ' value of 1mg. to 50mg. and with verification scale interval ( $n$ ) in the range of 5000 to 100,000 for ' $e$ ' value of 100mg. or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(252)/2011]  
B. N. DIXIT, Director of Legal Metrology

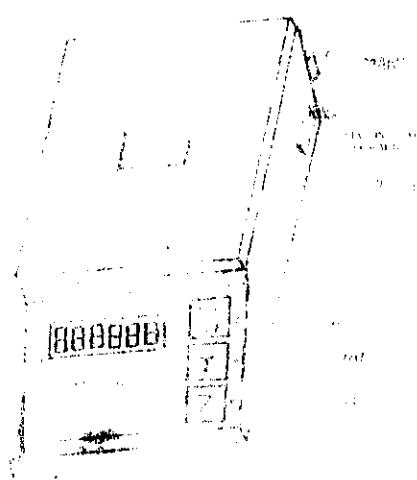
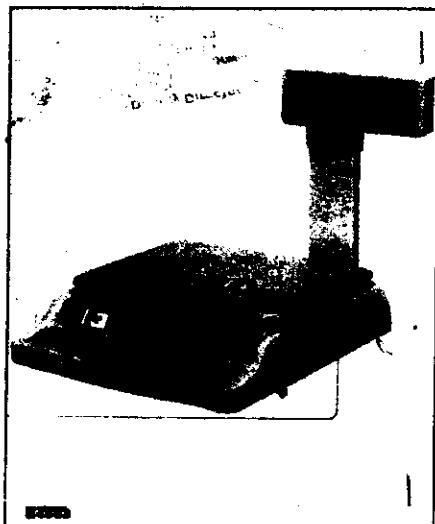
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1312.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आर्या स्कॉर्स, राम मोहन रोड़, आर्य सपाज आफिस के सामने, कालीकट-4, केरल द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एटीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “आर्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/495 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । एलईडी/एलसीडी प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^k$ ,  $2 \times 10^k$ , या  $5 \times 10^k$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[ फा. सं. डब्ल्यू. एम-21(252)/2011 ]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1312.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of medium accuracy (accuracy class III) of series "ATT" and with brand name "ARYA" (hereinafter referred to as the said model), manufactured by M/s. Arya Scales Ram Mohan Road, Opposite Arya Samaj Office, Calicut-4, Kerala and which is assigned the approval mark IND/09/11/495.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

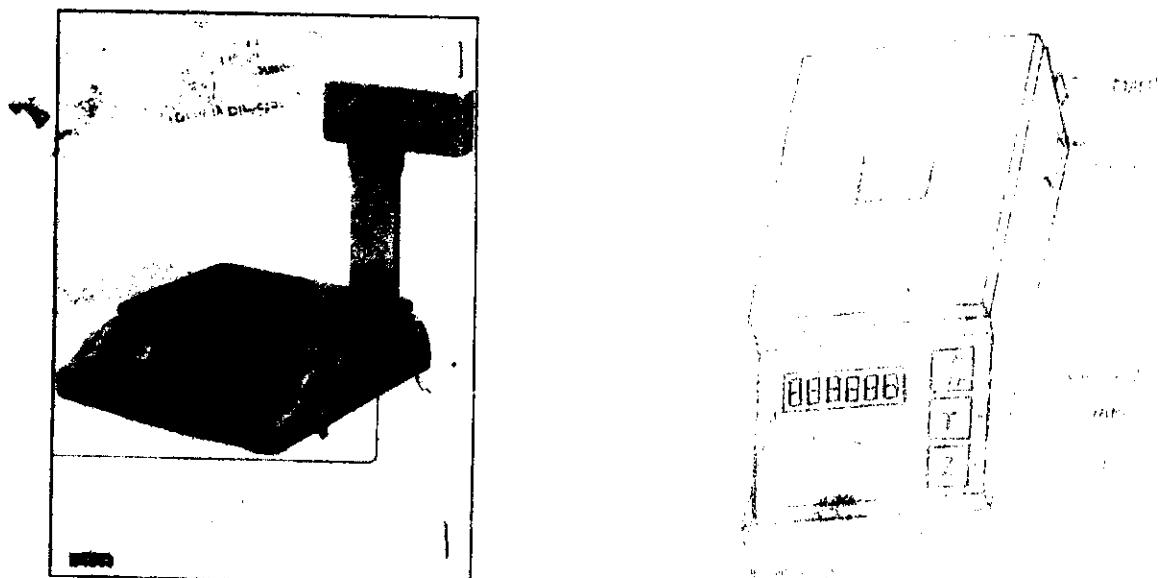


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(252)/2011]  
B. N. DIXIT, Director of Legal Metrology

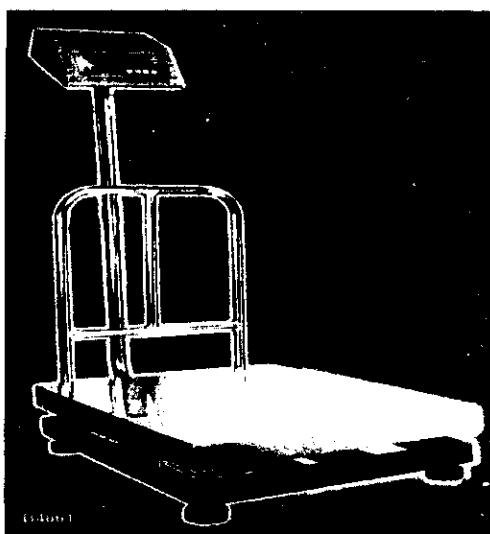
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1313.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर्थ स्केल्स, राम मोहन रोड़, आर्थ समाज आफिस के सामने, कालीकट-4, केरल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “एपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “आर्थ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/496 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है । सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । एलईडी/एलसीडी प्रदर्श तोलन परिणाम उपर्युक्त करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$ , या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं ।

New Delhi, the 18th January, 2012

**S.O. 1313.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (accuracy class II) of series "APF" and with brand name "ARYA" (hereinafter referred to as the said model), manufactured by M/s. Arya Scales Ram Mohan Road, Opposite Arya Samaj Office, Calicut-4, Kerala and which is assigned the approval mark IND/09/11/496.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 600 kg. and minimum capacity of 2.5 kg. The verification scale interval (*e*) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

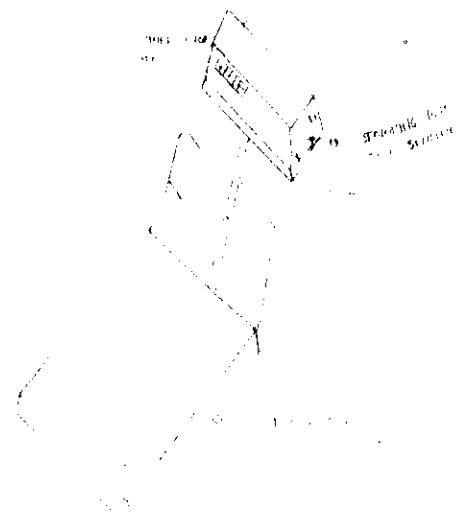
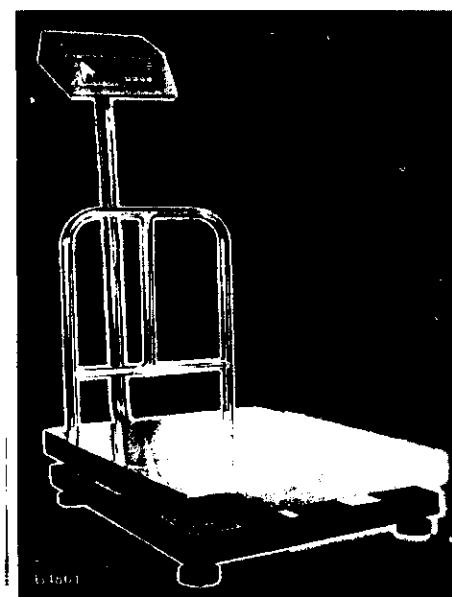


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (*n*) in the range of 5000 to 100,000 for '*e*' value of 100mg or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(252)/2011]

B. N. DIXIT, Director of Legal Metrology.

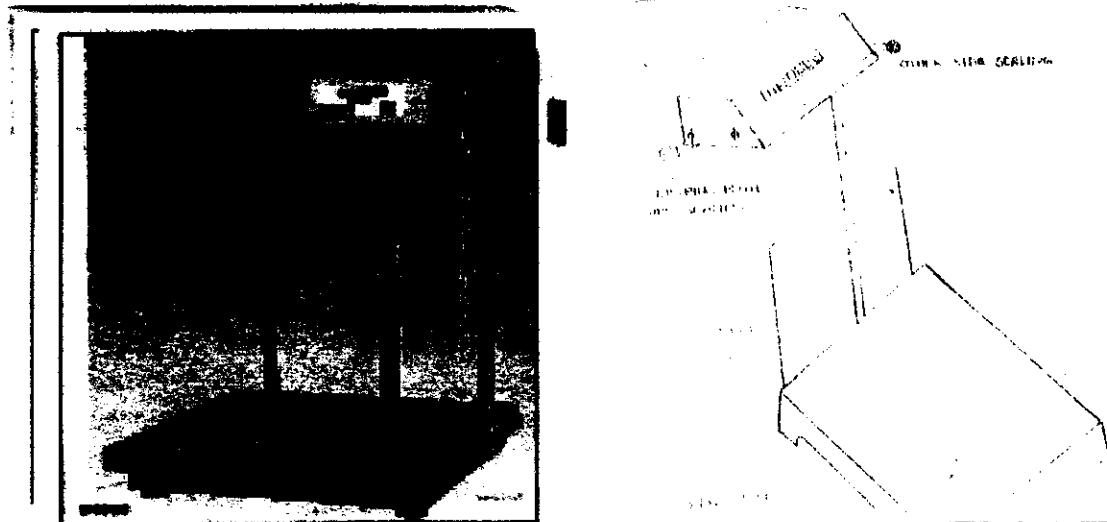
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1314.—**केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर्या स्केल्स, राम मोहन रोड, आर्य समाज आफिस के सामने, कालीकट-4 केरल द्वारा विनिर्मित मध्यम यथार्थता वर्ग-III) वाले “एपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “आर्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/497 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एलईडी/एलसीडी प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

#### आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$  और  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(252)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1314.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy Class-III) of series "AP" and with brand name "ARYA" (hereinafter referred to as the said Model), manufactured by M/s. Arya Scales, Ram Mohan Road, Opposite Arya Samaj Office, Calicut-4, Kerala and which is assigned the approval mark IND/99/11/497;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (*e*) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

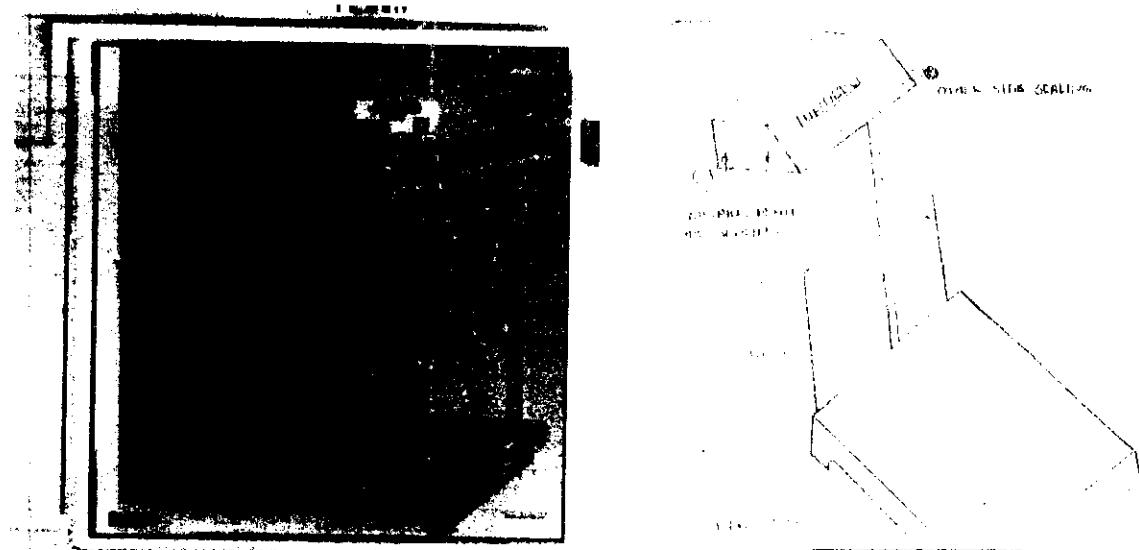


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity more 50 kg and up to 5000 kg with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(252)/2011]  
B. N. DIXIT, Director of Legal Metrology

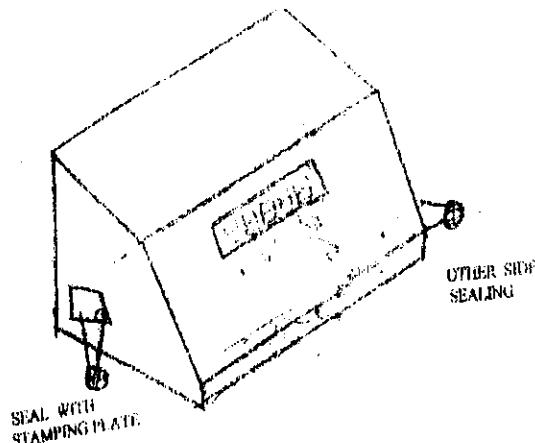
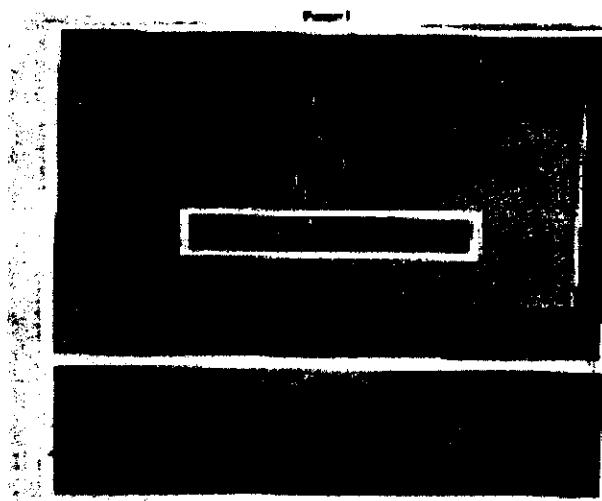
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1315.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डिजीटल बेइंग सिस्टम (प्रा) लिमिटेड, प्लाट नं. पी 1 बी एंड सी, पी2, इंडस्ट्रियल एरिया, तिफरा, बिलासपुर, छत्तीसगढ़, पिन-495223 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एमडब्ल्यूबी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेन्डिंग) के मॉडल का, जिसके ब्रांड का नाम “एमएसडब्ल्यू-2400” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/482 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेन्डिंग) है। इसकी अधिकतम क्षमता 50 टन न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एलईडी/एलसीडी प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. से या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$  और  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(173)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1315.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (electronic weighbridge) with digital indication of Medium Accuracy (Accuracy class -III) of Series "MWB" and with brand name " MWS 2400" (hereinafter referred to as the said model), manufactured by M/s. Digital Weighing Systems (P) Limited, Plot No. P1 B & C, P2, Industrial Area, Tifra, Bilaspur, Chattisgarh, Pin-495223 and which is assigned the approval mark IND/09/11/482;

The said model is a strain gauge type load cell based non-automatic weighing instrument (electronic weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 Kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The LED/LCD display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

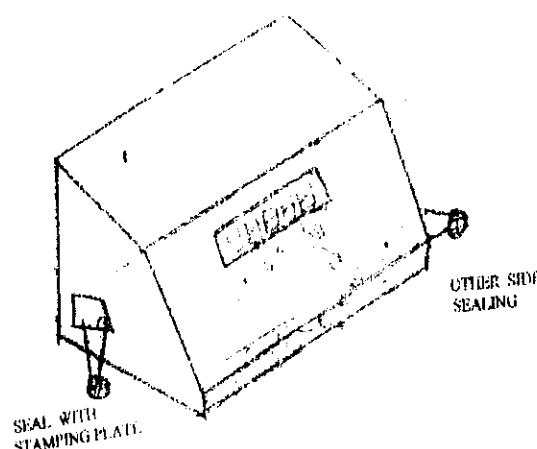
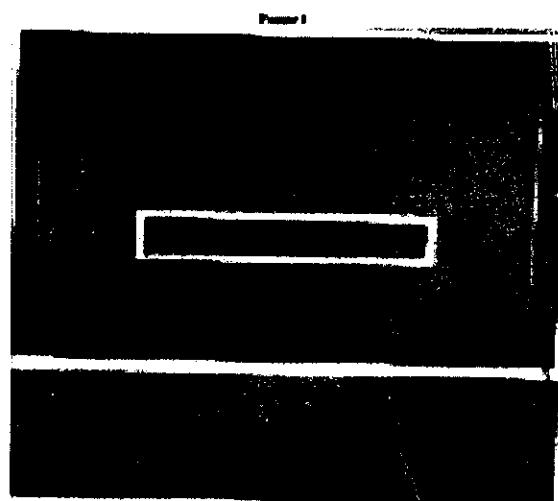


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series above 5tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

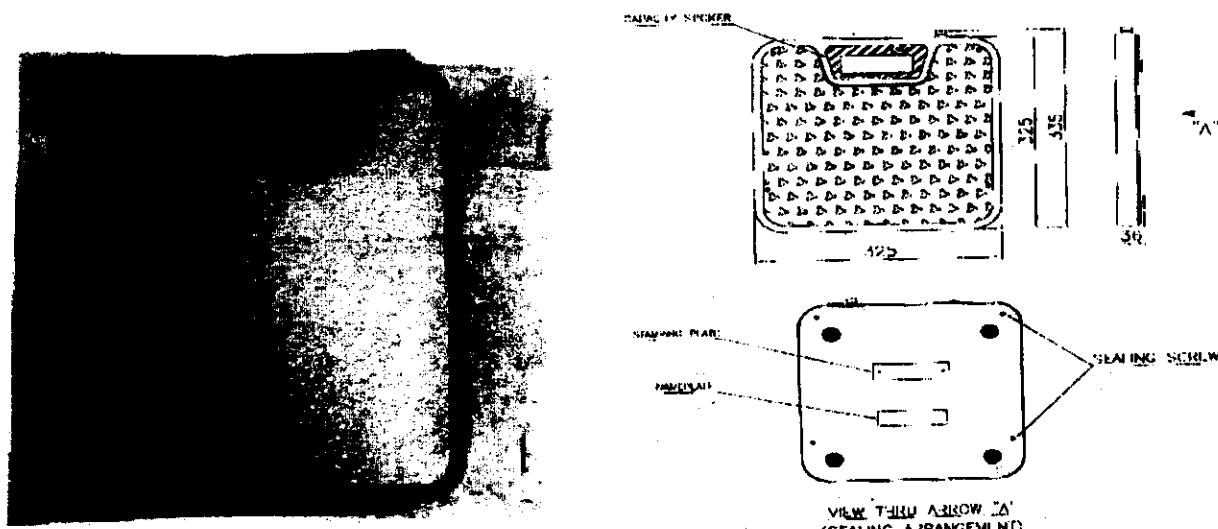
नई दिल्ली, 18 अक्टूबर, 2012

**कल.आ. 1316.**—केन्द्रीय सरकार का, विभिन्न प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि संगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ परिवर्त विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की भाग 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्से टेरोका लिमिटेड, नं. 410, 100 फ्लैट योड, ब्लाक-4, कोरमग्ला, बंगलोर-560034 द्वारा विनिर्मित मध्यम यथार्थता वर्ग-III) वाले “पीएस-515” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) के मॉडल का, जिसके ब्रांड का नाम “एस्से” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन दिया आई एन डी/09/11/378 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन स्केल) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिलाभारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भार विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए, 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(176)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1316.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing scale) with digital indication of medium accuracy (accuracy class -III) of series "PS-515" and with brand name "ESSAE" (hereinafter referred to as the said Model), manufactured by M/s. Essae Teraoka Limited, No. 410, 100 ft Road, 4th Block, Koramangala, Bangalore-560034 and which is assigned the approval mark IND/09/11/378;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person weighing scale) with a maximum capacity of 150 kg and minimum capacity of 2 kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

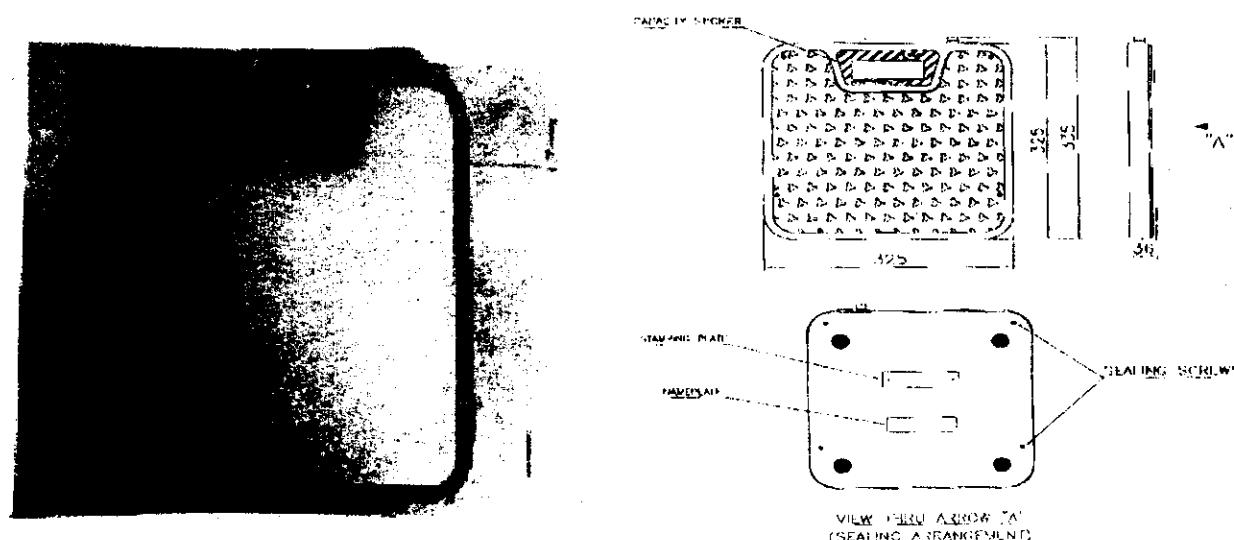


Figure-2 Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A tact switch has also been provided in mother board/PCB to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 200 kg with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100 mg to 2g and with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5g or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(176)/2011]  
B. N. DIXIT, Director of Legal Metrology

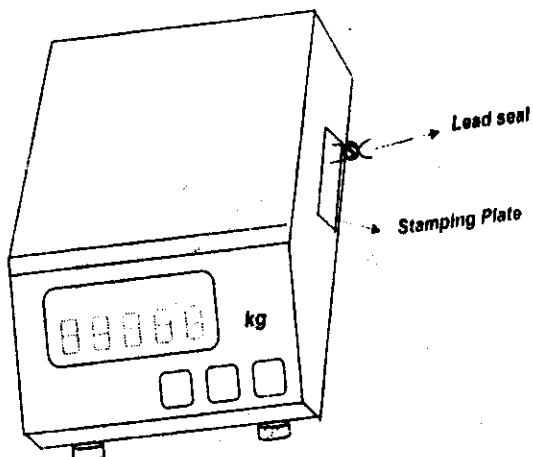
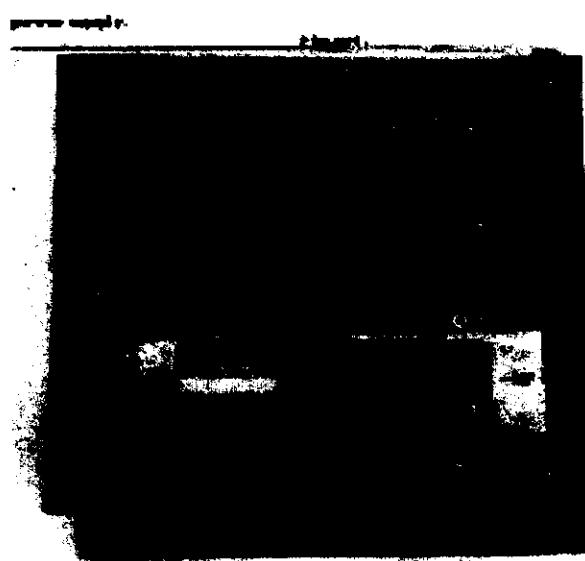
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1317.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुनिल ट्रेडिंग कम्पनी, बंदना कंस्लटेंट, बंसल हस्पताल के पीछे, जमुना डेवरी, सोदला जयपुर, राजस्थान द्वारा विनिर्मित भूर्धम यथार्थता (यथार्थता वर्ग-III) वाले “एसटीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “विकर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/424 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति-2 मॉडल को सीरिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की ओरी में से सीरिंग वायर निकाल कर डिस्प्ले पर सीरिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीरिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$  और  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(208)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1217.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of Medium Accuracy (Accuracy class-III) of Series "STT" and with brand name "VICTOR" (hereinafter referred to as the said model), manufactured by M/s. Sunil Trading Company, Vandana Consultant, Behind Bansal Hospital, Jamuna Dairy, Sodala Jaipur, Rajasthan and which is assigned the approval mark IND/09/11/424;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

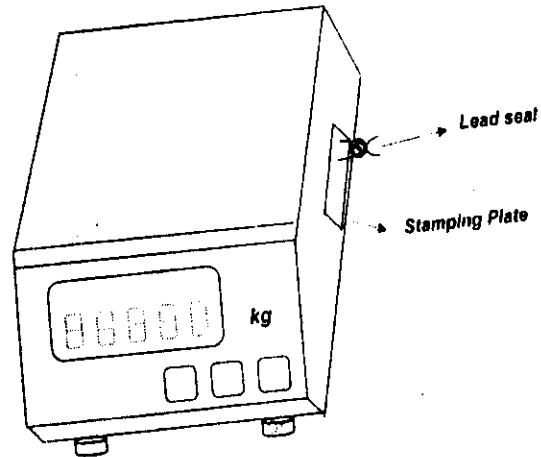
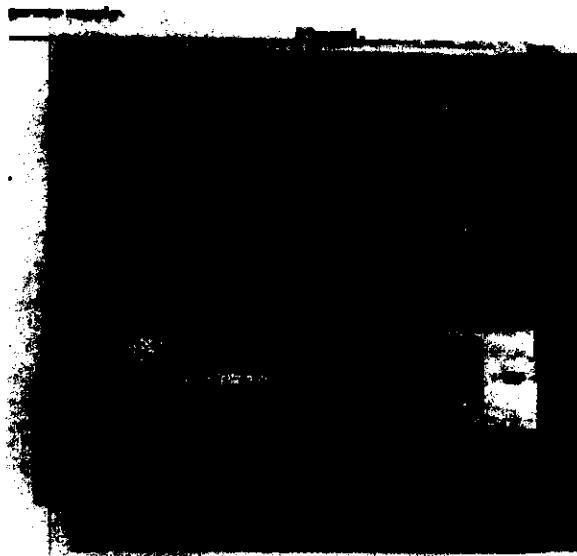


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg to 2g. and with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5g or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(208)/2011]  
B. N. DIXIT, Director of Legal Metrology

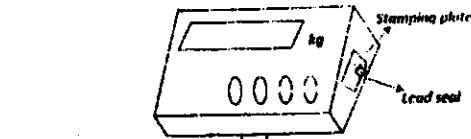
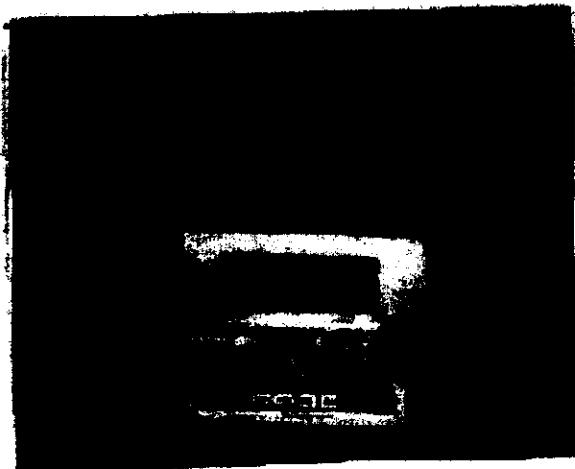
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1318.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति रेखे) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;**

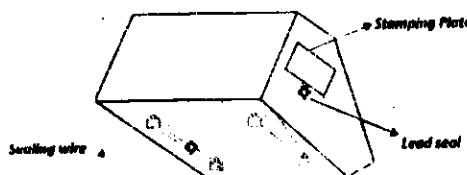
अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुनिल ट्रेडिंग कम्पनी, बंदना कंसल्टेंट, बंसल हस्ताल के पीछे, जमुना डेयरी, सोदला जयपुर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसटीपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “विक्टर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/425 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत अवकलनात्मक धारित आधेयतुलन प्रधाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



(Indicator of the Platform Scale-Front Side)



(Indicator of the platform Scale—Lower back Side)

आकृति -2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  और  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(208)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1318.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "STP" and with brand name "VICTOR" (hereinafter referred to as the said Model), manufactured by M/s. Sunil Trading Company, Vandana Consultant, Behind Bansal Hospital, Jamuna Dairy, Sodala Jaipur, Rajasthan and which is assigned the approval mark IND/09/11/425;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 Kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

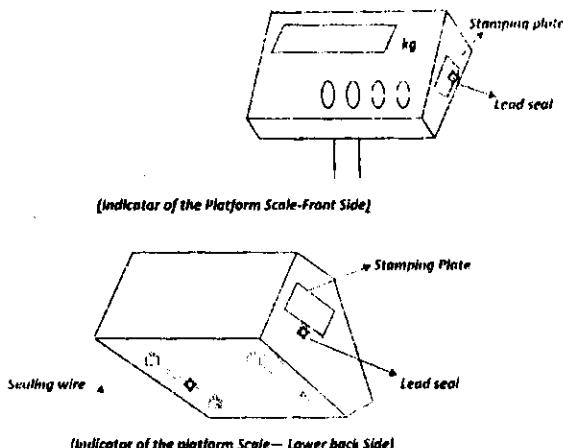
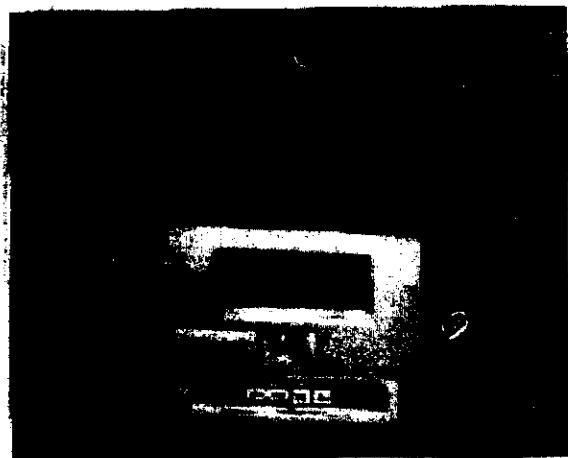


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

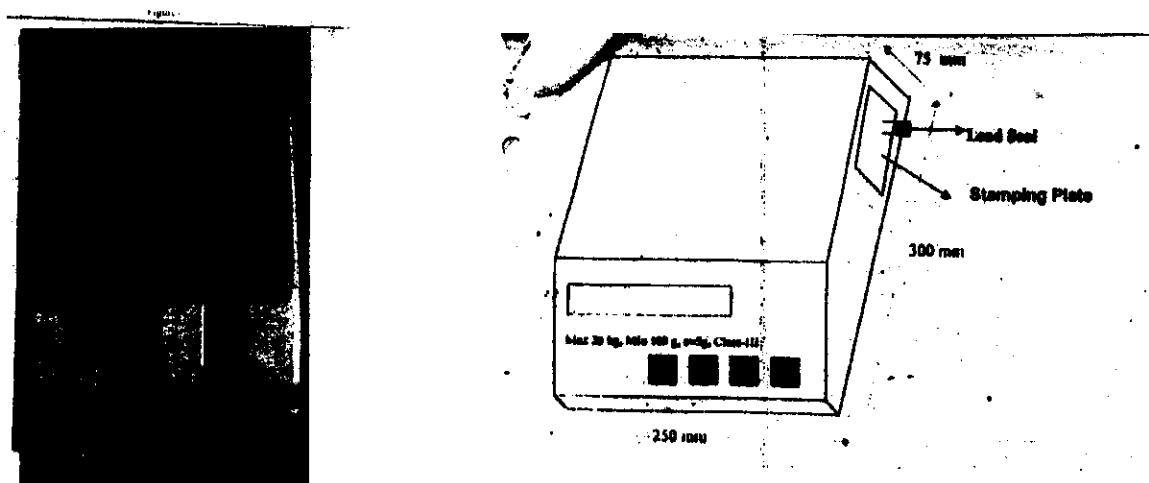
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1319.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जीवन नागजी एंड सन्स, 1460, खुटेटोन का रास्ता किशनपोल बाजार, जयपुर-302002 राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जेएनएसटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “जीवन नागजी” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/457 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

#### आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/महर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$  या  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

New Delhi, the 18th January, 2012

**S.O. 1319.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of medium accuracy (accuracy class-III) of series "JNST" and with brand name "JIVAN NAGJI" (hereinafter referred to as the said model), manufactured by M/s. Jivan Nagji & Sons, 1460, Khuteton Ka-Rasta Kishanpole Bazar, Jaipur-302002, Rajasthan and which is assigned the approval mark IND/09/11/457;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1.

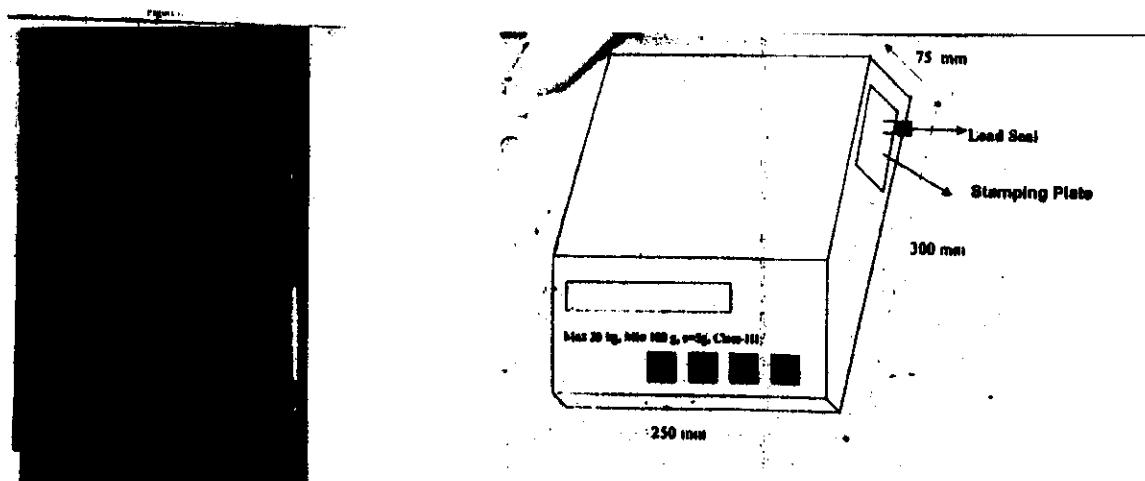


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D Card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg. to 2g. and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(244)/2011]  
B. N. DIXIT, Director of Legal Metrology

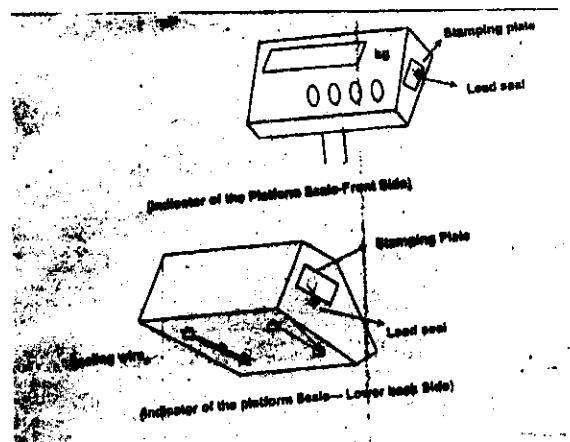
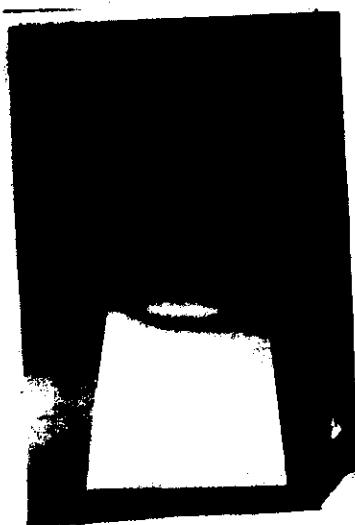
नई दिल्ली, 18 जनवरी, 2012

**कला, आ.** 1320.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विधिन परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जीवन नामकी एंड सन्स, 1460, खुटेटोन का रास्ता किशनपोल बाजार, जयपुर-302002 राजस्थान द्वाया विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जैएनएसपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ग्रांड का नाम “जीवन नामकी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/458 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत अवधिकालनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विषुत प्रदाय पर कार्य करता है।

## आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/पदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के दोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(244)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1320.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class-III) of series "JNSP" and with brand name "JIVAN NAGJI" (hereinafter referred to as the said model), manufactured by M/s. Jivan Nagji and Sons, 1460, Khuteton Ka-Rasta Kishanpole Bazar, Jaipur-302002, Rajasthan and which is assigned the approval mark IND/09/11/458;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1.

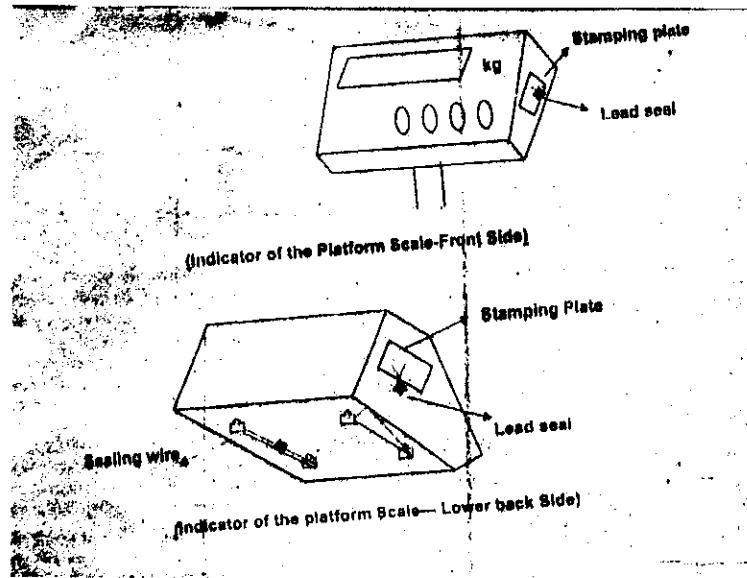


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D Card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

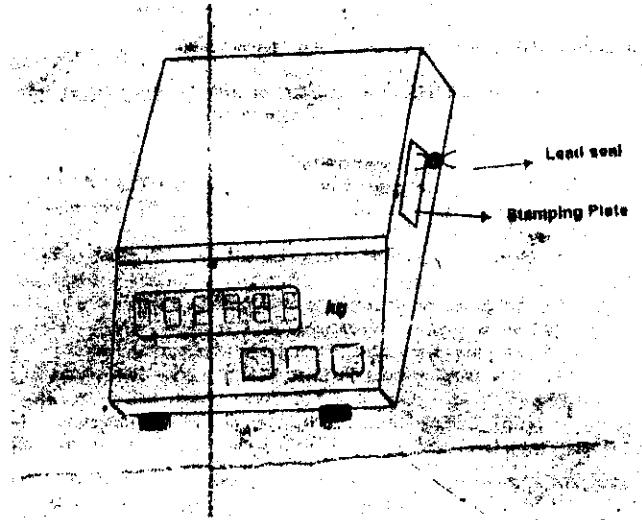
नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1321.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जयपुर साइंटिफिक इंस्ट्रमेंट्स, 2, दुर्गा विहार, सीता बाड़ी के पास, टॉक रोड, जयपुर-302019, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “वीआईबीए” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “वीआईबीए” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/336 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$ ,  $2 \times 10^8$  या  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक या अन्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम-21(159)/2011]  
द्वी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1321.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (accuracy class-III) of series "VIVA" and with brand name "VIVA" (hereinafter referred to as the said model), manufactured by M/s. Jaipur Scientific Instruments, 2, Durga Vihar, Near Sita Bari, Main Tonk Road, Jaipur-302019, Rajasthan and which is assigned the approval mark IND/09/11/336;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

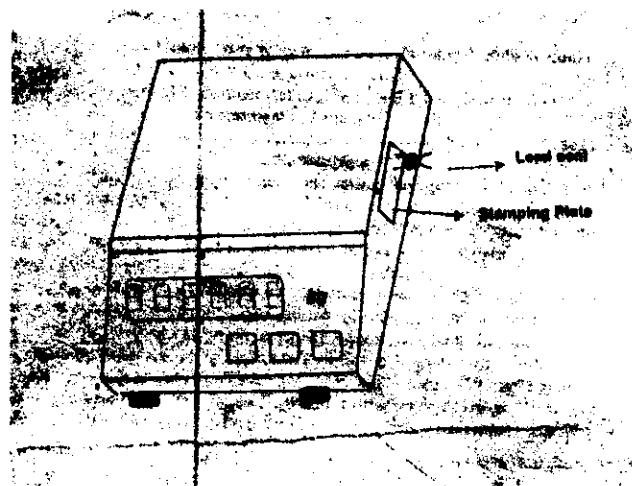


Figure-2 : Schematic diagram of sealing provision of the model.

Scaling is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D Card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 10mg to 2g and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (159)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2012

**का.आ. 1322.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जयपुर साइंटिफिक इंस्ट्रुमेंट्स, 2; दुर्ग विहार, सीता बाड़ी के पास, टॉक रोड, जयपुर-302019 राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “बीआईवीए” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ग्रांड का नाम “बीआईवीए” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/337 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गोज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

### आकृति-1



### आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(159)/2011]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2012

**S.O. 1322.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class-III) of series "VIVA" and with brand name "VIVA" (hereinafter referred to as the said model), manufactured by M/s. Jaipur Scientific Instruments, 2 Durga Vihar, Near Sita Bari, Main Tonk Road, Jaipur-302019, Rajasthan and which is assigned the approval mark IND/09/11/337;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

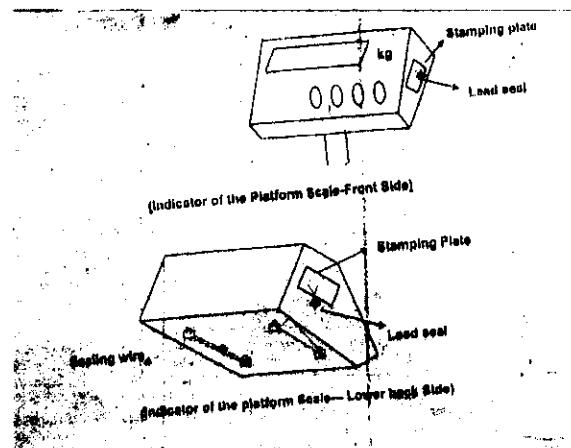
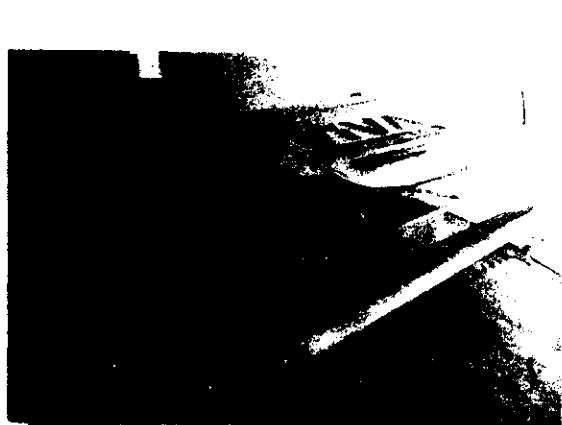


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D Card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011 the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

## ( भारतीय मानक ब्यूरो )

नई दिल्ली, 29 मार्च, 2012

**का.आ. 1323.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

## अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3790777	14-12-2011	ग्लासटेक इण्डस्ट्रीज इंडिया प्रा. लि., प्लॉट सं. एल- 112 से एल 115, तलोजा, इण्डस्ट्रीयल एरिया, तलोजा, जिला रायगढ-410208	सुरक्षा शीशा-भाग 1 सामान्य उद्देश्य	2553	1	-	1990
2.	3785885	23-12-2011	अथर्व सीमेंट कंपनी, सर्व सं. 96/2ए, पोस्ट : आदेली, वेंगुला कुडाल रोड, वेंगुला जिला सिंधुदुर्ग-416516	43 ग्रेड साधारण पोर्टलैंड सीमेंट	8112	-	-	1989
3.	3767277	27-12-2011	जी एल टी अक्वा प्राइवेट लि. सी-1 एवं सी-ए 1, केबीएम कंपाउण्ड, अशोक टावर के सामने, मिलिट्री रोड, अंधेरी, (पूर्व) मुंबई-400072	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
4.	3786382	2-1-2012	प्रणाली सीमेंट पाइप्स प्राइवेट लिमिटेड गट सं. 462ए, 463, 464ए, 465ए और 482, गोव बिलावली, तालुका वाडा, जिला रायगढ-421303	पूर्व ढलित कंक्रीट पाइप्स (प्रबलन एवं बिना प्रबलन के)	458	-	-	2003
5.	3768481	10-1-2012	श्री परशुराम एग्रोटेक प्रा. लि. एट पोस्ट: मोरोशी, तालुका राजापुर, जिला रत्नागिरी-402716	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
6.	3791476	10-1-2012	श्री सिद्धोविनायक इंटरप्राइजेज, एट : उसर, मोहत्याचा पाडा, पोस्ट : उचट, कुडुस कोंडला रोड, कुडुस वाडा, जिला : ठाणे - 421312	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	3777785	25-1-2012	कोकण बेवरेजेज एण्ड फूड इण्डस्ट्रीज, एट एण्ड पोस्ट: म्हसला, जिला रायगढ-402105	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
8.	3777886	16-1-2012	गजानन बेवरेजेज, गाला सं. 4, बिल्डिंग सं. 3, जय विजय इण्डस्ट्रियल इस्टेट, नेशनल हाईवे सं. 8, विश्राम पेट्रोल पम्प के नजदीक, बापाने, नायगांव (पूर्व), ठाणे - 401202	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
9.	3796789	25-1-2012	प्रेसीटेक, बी 26, एम आई डी सी मुरबाड, मुरबाड इण्डस्ट्रियल एरिया, मुरबाड, जिला ठाणे - 421401	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
10.	3789691	03-2-2012	विद्धल इन्टरप्राइजेज, पंकज बिल्डिंग, यूनिट सं. 3, तल मंजिल, आईस फैक्ट्री के पीछे, चांदीवली, मुंबई-400072	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
11.	3795181	03-2-2012	रिदी बेवरेजेज, हाउस सं. 430, विलेज : चोवली, पो ओं उत्तन जिला ठाणे - 401101	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
12.	3796991	03-2-2012	पारले इंटरनेशनल (पारले एण्ड प्रा. लि. का यूनिट) विलेज : वानीवली, पातालगांगा, तालुका : खालापुर जिला रायगढ-410220	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
13.	3793985	06-2-2012	शिल्पा बेवरेजेज प्रा.लि. (यूनिट सं. 2) गाला सं. 12, 15, तल मंजिल, वैभव इण्ड इस्टेट, देवनार, मुंबई - 400088	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
14.	3806362	14-2-2012	सुप्रीम इंडस्ट्रीज लिमिटेड, सर्वे सं. 175, गोव खाराडपाडा, सिल्वासा- 369230	बहुप्रत क्रास लेमिनिट शीट एवं तारपोलीन/कवर	14611	-	-	1988

[सं. सीएमडी/13:11]  
देवदत झा, वैज्ञानिक 'एफ' एवं प्रमुख

## (BUREAU OF INDIAN STANDARDS)

New Delhi, the 29th March, 2012

S.O. 1323.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

## SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3790777	14-12-2011	Glasstech Industries India Pvt. Ltd. Plot No. L-112 to L-115, Taloja Indl Area, Taloja Distt Raigad- 410208	Safety Glass- Part-I, General Purpose	2553	1	-	1990
2.	3785885	23-12-2011	Atharva Cement Company Survey No. 69/2A, At Post: Aadeli Vengurla Kudal Road, Vengurla Distt Sindhudurg-416516	43 Grade Ordinary Portland Cement	8112	-	-	1989
3.	3767277	27-12-2011	GLT Aqua Pvt. Ltd. C-1 & C-A1, KBM Compound, Opp : Ashok Tower, Military Road, Andheri (E) Mumbai-400072	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
4.	3786382	02-01-2012	Pranali Cement Pipes Pvt. Ltd. Gut No. 462A, 463, 464A, 465A & 482, Village : Bilavali Tal : Wada Dist Thane- 421303	Precast Concrete Pipes (with and without rein- forcement)	458	-	-	2003
5.	3768481	10-01-2012	Shree Parshuram Agrotech Pvt. Ltd. At Post : Maroshi, Tal : Rajapur Dist Ratnagiri-402716	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	3791476	10-01-2012	Shree Siddhivinayak Enterprises, At : USAR, Mohtaycha Pada, Post : Uchat, Kudus Kondla Road, Kudus wada, Dist Thane- 421312	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
7.	3777785	25-01-2012	Kokan Beverages & Food Industry, At & Post : Mhasla Dist Raigad- 402105	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
8.	3777886	16-01-2012	Gajanan Beverages Gala No. 4, Bldg. No. 3, Jai-Vijay Indl. Estate, National Highway No. 8, Near Vishram Petrol Pump, Bapane, Naigaon (E) Dist Thane- 401202	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
9.	3796789	25-01-2012	Precitech B-26, MIDC Murbad, Murbad Indl Area, Murbad Dist Thane- 421401	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
10.	3789691	03-02-2012	Vittal Enterprises, Pankaj Bldg. Unit No. 3, Ground Floor, Behind Ice Factory, Chandivli, Mumbai- 400072	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
11.	3795181	03-02-2012	Riddhi Beverages H. No. 430, Village Chowli, P. O. Uttan Dist Thane- 401101	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
12.	3796991	03-02-2012	Parle International (A Unit of Parle Agro Pvt. Ltd.) Village : Vanivalli, Patalganga Tal : Khalapur Dist Raigad 410220	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004
13.	3793985	06-02-2012	Shilpa Beverages Pvt. Ltd. (Unit No. 2) Gala No. 12, 15, Ground Floor, Vaibhav Indl. Estate, Deonar Mumbai 400088	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
14.	3806362	14-02-2012	The Supreme Industries Limited Survey No. 175, Village : Kharadpada, Silvassa -396230	Multilayered Cross Laminated Sheets and tarpaulins/covers	14611	-	-	1988

[No. CMD/13:11]  
DEV DUTT JHA, Scientist 'F' & Head

नई दिल्ली, 29 मार्च, 2012

का.आ. 1324.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम, 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

### अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि (5)
(1)	(2)	(3)	(4)	(5)
1.	7806483	एक्षोटीक फ्रुजस प्रा. लि., सी-5, रोड सं 11, मरोल इंडस्ट्रियल इस्टेट, एम आय डी सी, अंधेरी-पूर्व, मुंबई 400093	पैकेजबंद पीने का पानी (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा : 14543:2004	27-12-2011

[सं. सीएमडी/13:11]  
देवदत्त झा, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 29th March, 2012

S.O. 1324.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

### SCHEDULE

Sl. No.	Licences No. CM/L	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7806483	Xotik Frujus Pvt. Ltd. C-5, Road No. 11, Marol Indl. Estate, MIDC, Andheri (E), Mumbai -400093	Packaged Drinking Water (Other than Packaged Natural Mineral Water) IS 14543:2004	27-12-2011

[No. CMD/13:11]  
DEV DUTT JHA, Scientist 'F' & Head

नई दिल्ली, 30 मार्च, 2012

**का.आ. 1325.**—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

**अनुसूची**

क्रम सं.	स्थापित भारतीय मानक (कों)	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 6873: 1998 दंत जिप्सम उत्पाद	—	दिसम्बर, 2011
2.	आई एस/आई एस ओ 11979-6: 2007 नेत्र रोग संबंधी रोपण - इंट्राआक्यूलर लेंस भाग 6 शेल्फ लाइफ एवं ट्रांसपोर्ट स्थिरता	आई एस 14323: 1996	दिसम्बर, 2011
3.	आई एस/आई एस ओ 11979-7: 2006 नेत्र रोग संबंधी रोपण - इंट्राआक्यूलर लेंस भाग 7 विलिनिकल इन्वेस्टीगेशन	आई एस 14323: 1996	दिसम्बर, 2011
4.	आई एस/आई एस ओ/टी एस 15539: 2000 कार्डियोवास्कुलर आरोपण-एन्डोवास्कुलर प्रोस्थिसिस	—	दिसम्बर, 2011
5.	आई एस/आई ई सी/टी आर 60788: 2004 चिकित्सीय विद्युत उपस्कर परिभासित शब्दों की शब्दावली	आई एस 13807: 1994	अप्रैल, 2010

इस मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम एच डी/जी 3:5]  
राकेश कुमार, वैज्ञानिक 'एफ' एवं प्रमुख (एम एच डी)

New Delhi, the 30th March, 2012

**S. O. 1325.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—**

**SCHEDULE**

Sl. No.	No. & year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/ISO 6873: 1998 Dental Gypsum Products	—	December, 2011

(1)	(2)	(3)	(4)
2.	IS/ISO 11979-6: 2007 Ophthalmic implants- Intraocular Lenses Part 6 : Shelf-Life and transport stability	IS 14323: 1996	December, 2011
3.	IS/ISO 11979-7: 2006 Ophthalmic implants- Intraocular Lenses Part 7 : Clinical investi- gations	IS 14323: 1996	December, 2011
4.	IS/ISO/TS 15539: 2000 Cardiovascular Implants-Endovascular Prostheses	-	December, 2011
5.	IS/IEC/TR 60788: 2004 Medical Electrical Equipment-Glossary of defined terms	IS 13807: 1994	April, 2010

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref:MHD/G-3 : 5]

RAKESH KUMAR, Scientist 'F' & Head (MHD)

नई दिल्ली, 30 मार्च, 2012

का.आ. 1326.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:-

#### अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) को संख्या वर्ष और शीर्षक	नवे भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईएसओ 3057 : 1998 अविनाशी परीक्षण - सतह -जॉब की धातु चिकित्रित प्रतिकृति तकनीक	-	31 मार्च 2012

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 21/टी-75]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 30th March, 2012

**S.O. 1326.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 3057: 1998 Non-destructive testing - Metallographic replica techniques of surface examination	—	31 March 2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkatta Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna , Pune, Thiruvananthapuram.

[Ref. : MTD 21/T-75]

P. GHOSH, Scientist 'F' & Head (MTD)]

नई दिल्ली, 30 मार्च, 2012

**का.आ. 1327.**—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक (को)में संशोधन किया गया किये गये हैं :

**अनुसूची**

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2202 (भाग 1) : 1999	3, मार्च 2012	27-03-2012

इस संशोधन की प्रति भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर पटना, पूर्णे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'जी' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 30th March, 2012

**S.O. 1327.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standard	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS/2202 (Part 1) : 1999	3, March 2012	27-03-2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkatta Chandigarh, Chennai, Mumbai and also Branch Offices; Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: CED/Gazette]

A.K. SAINI, Scientist 'G' &amp; Head (Civil Engg.)

नई दिल्ली, 2 अप्रैल, 2012

**का.आ. 1328.**—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:-

**अनुसूची**

क्रम संख्या	स्थापित भारतीय मानक (को) को संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15927 (भाग 3): 2011 गैसीय ईंधन की पूर्ति के लिए पालीईथाइलीन पाइपों के साथ प्रयोग के लिए पालीईथाइलीन फिटिंगों- विवरण: भाग 3 इलेक्ट्रो प्यूजन फिटिंगों	-	31 दिसम्बर 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'जी' एवं प्रमुख (सिविल इंजीनियर)

New Delhi, the 2nd April, 2012

**S.O. 1328.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15927 (Part 3): 2011 Polyethylene Fittings for Use with Polyethylene Pipes for the Supply of Gaseous Fuels - Specification Part 3 Electro Fusion Fittings.	—	31 December 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkatta Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref.: CED/Gazette]

A. K. SAINI, Scientist 'G' &amp; Head (Civil Engg.)

नई दिल्ली, 2 अप्रैल, 2012

**का.आ. 1329.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (4) के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

## अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा	भा.ग	अनु. वर्ष
01	L-9922293	21-03-2012	मै. फालकन फायरमैटिक्स प्रा.लि. 397 पेस सिटी-II सैक्टर-37, जिला गुडगाँव - 122001 (हरियाणा)	सुबाह्य अग्नि शामक कार्यकारिता और निर्माण	15683	- -	2006
02	L-9923501	21-03-2012	मै. श्री बालाजी प्रीफैब बकरगढ़ रोड, गांव गुभाना बहादुरगढ़, जिला झज्जर - 124507 (हरियाणा)	पूर्वदलित कंकरीट मेनहोल के ढक्कन वे फ्रेम	12592	- -	2002

[सं. सीएमडी/13 : 11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 2nd April, 2012

**S.O. 1329.**—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

## SCHEDULE

Sl No.	Licenses No. CM/L-	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
01	L-9922293	21-03-2012	M/s. Falcon Firematics Pvt. Ltd., 397, Pace City-II Sector—37 Distt. Gurgaon -122001, Haryana	Portable Fire Extinguishers Performance and Construction	15683	- -	-	2006
02	L-9923501	21-03-2012	M/s. Shree Balaji Prefab Bakargarh Road, Village Gubhana Bahadurgarh Distt. Jhajjar-124507 Haryana	Precast Concrete Manhole Cover & Frame	12592	- -	-	2002

[No. CMD/13:11]

M. SADASIVAM, Scientist 'F' &amp; Head

नई दिल्ली, 3 अप्रैल, 2012

**का.आ. 1330.**—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (छ) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) को संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 8178-7-1996 प्रत्यागामी आंतरिक दहन इंजिन -निकास उत्सर्जन मापन भाग 7 इंजिन फैमिली ज्ञात करना	-	31 मार्च 2012

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, काशीपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ: टी ई डी/जी-16]

टी. वी. सिंह, वैज्ञानिक 'एफ' एवं प्रमुख (टी ई डी)

New Delhi, the 3rd April, 2012

S.O. 1330.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

## SCHEDULE

Sl. No.	No. Year & title of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS:ISO 8178-7-1996 Reciprocating internal combustion engines - Exhaust emission measurement Part 7 Engine family determination	-	31 March, 2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna , Pune, Thiruvananthapuram.

[Ref.: TED/G-16]

T. V. SINGH, Scientist 'F' &amp; Head (Transport Engg.)

नई दिल्ली, 4 अप्रैल, 2012

का.आ. 1331.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम (4) के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

## अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु. संख्या	वर्ष
1	2	3	4	5	6	7	8	9
1.	3698688	04-02-2011	मैसर्स राठी एंटरप्राइजेस, विक्रमशीला नगर, बापट भवन, सिन्धी मेघे, जिला वर्धा-महाराष्ट्र-440017	पैकेजबन्द पेय जल प्राकृतिक 14543 मिनरल जल के अलावा -विशिष्ट	-	-	-	2004
2.	3701853	15-02-2011	मैसर्स ए डी अक्षय इंडस्ट्रीज प्लॉट नं. 13, सर्वे नं. 533, उमरेड, जिला-नागपुर महाराष्ट्र-441203	पैकेजबन्द पेय जल प्राकृतिक 14543 मिनरल जल के अलावा -विशिष्ट	-	-	-	2004
3.	3707158	07-03-2011	मैसर्स श्री गणेश एंटरप्राइजेस सर्वे क्र. 145, विदुल, तालुका- उमरखेड जिला - यवतमाल महाराष्ट्र-445206	पैकेजबन्द पेय जल प्राकृतिक 14543 मिनरल जल के अलावा -विशिष्ट	-	-	-	2004

1	2	3	4	5	6	7	8	9
4.	3710349	18-03-2011	मैसर्स ऑरेंज सिटी प्लायवुड लकड़ी के सपाट दरवाजे प्राय, लिमी. पी एच नं. 20, के शटर (ठेस कोर प्रकार), खसरा नं. 163/9 & 175/2, -विशिष्टि मौजा-महलगांव, कामठी भाग 1 प्लायवुड सतहयुक्त सिटी, पल्ले जिला - नागपुर महाराष्ट्र-440015	2202	1	-	1999	
5.	3712555	27-03-2011	मैसर्स एस आर प्रॉडक्ट्स 20 हिंगनधाट फैल, पुलगाव तालुका देवली जिला वर्धा महाराष्ट्र-442302	फैकेजबन्द पेय जल प्रकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	-	2004
6.	3713153	25-03-2011	मैसर्स पुष्पराज इन्डस्ट्रीज फ्लॉट क्र.सी-12, इन्डस्ट्रीयल इस्टर्ट, मूल रोड जिला चंद्रपुर महाराष्ट्र - 442401	फैकेजबन्द पेय जल प्रकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	-	2004

[सं. सी एम डी/13:11]

एन. पी. कावले, निदेशक एवं प्रमुख

New Delhi, the 4th April, 2012

S.O. 1331.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

## SCHEDULE

Sl No.	Licenses No. CM/L-	Grant Dated	Name and Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
1.	3698688	4-02-2011	Rathi Enterprises Vikramshila Nagar, Bapat Bhavan, Sindhi Meghe, Distt. Wardha 440017, Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water) - Specification	14543	-	-	2004
2.	3701853	15-02-2011	A D Aqua Industries Plot No. 13, S.No.533 Umrer, Dist. -Nagpur 441203, Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water)	14543	-	-	2004
3.	3707158	07-03-2011	Shri Ganesh Enterprises S.No.145, Vidul Taluka Umerkhed, Dist.-Yavatmal 445206, Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water) - Specification	14543	-	-	2004
4.	3710349	18-03-2011	Orange City Plywood Pvt. Ltd. PH. No.20, Kh. No.163/9, & 175/2, Mauza—Mahalgaon City Kamptee Distt.—Nagpur 440015, Maharashtra	Specification for wooden flush door shutters (solid core type): Part 1 Plywood face panels	2202	1	-	1999

1	2	3	4	5	6	7	8	9
5.	3712555	24-03-2011	S R Products 20 Hinganghat fall, Pulgaon, Taluka— Deoli, Dist.— Wardha-442302 Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water) - Specification	14543	-	-	2004
6.	3713153	25-03-2011	Pushparaj Industries Plot No.C-12, Industrial Estate, Mul Road Distt.—Chandrapur 442401 Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water) - Specification	14543	-	-	2004

[No. CMD/13:11]

N. P. KAWALE, Director &amp; Head

नई दिल्ली, 4 अप्रैल, 2012

का.आ. 1332.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

## अनुसूची

क्रम संख्या	लाइसेंस संख्या सी एम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम	रद्द करने की तिथि सम्बद्ध भारतीय मानक का शीर्षक
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(1)	(2)	(3)	(4)	(5)
1.	0655655	मैसर्स प्रभु स्टील इंडस्ट्रीज प्राय, लिमी. प्लॉट नं. 159 160, स्मॉल फैक्ट्री एरिया, बगडगंज, नागपुर-440008. महाराष्ट्र	कंक्रीट प्रबलन के लिए उच्च शक्ति विरूपित इस्पात सरिए एवं तार - विशिष्टि आई एस 1786 : 1985	30-11-2010
2.	7683291	पैकेजिंग प्रॉडक्ट्स प्लॉट नं. बी-1, एम आई डी सी हिंगना रोड, नागपुर-440010 महाराष्ट्र	जनरल रिक्वायमेंट्स ऑफ पैकेजेस ऑफ एक्सप्लोसिव्स : पार्ट 1 कमर्शियल हाय एक्सप्लोसिव्स आई एस 10212: Part1 :1986	10-12-2010
3.	7813278	आर्क टेक सिस्टम लिमी. के-48 फाइबर स्टार इंडस्ट्रीयल एरिया, एम आय डी सी, बुटीबोरी जिला -नागपुर 441122, महाराष्ट्र	हस्त्य धातु आर्क बेल्डिंग के लिए आवृत कार्बन और कार्बन मैग्नीज इस्पात इलैक्ट्राड -विशिष्टि आई एस 814 : 2004	16-01-2011
4	7899520	श्री साई श्रद्धा फुड्स एंड बेबेजेस मन्यु. कं. पैकजबन्द पेय जल पैकेजबन्द प्लॉट नं. 11 सर्वे नं. 18/1, मौजा-रनाला, प्राकृतिक मिनरल जल के तालुका - कामठी, जिला -नागपुर 441002, महाराष्ट्र	अलावा- विशिष्टि आई एस 14543 : 2004	11-01-2011
5.	1625954	श्रेयांस वायस लिमी. नागपुर प्लॉट नं. 57, गरोबा मैदान, बगडगंज नागपुर 440008, महाराष्ट्र	कुंडलन तारों की विशेष प्रकारों की विशिष्टि भाग 34 पॉलीएस्टर एनैमलकृत गोल तांबे के तार वर्ग 130 एल	30-11-2012

1	2	3	4	5	6	7	8	9
6.	2340438	हिमालय इंडस्ट्रीज अकोला रोड, खामगांव जिला बुलढाना 444303, महाराष्ट्र	पूर्व ढलित कंक्रीट पाइप (प्रवर्तन राहित और सहित) - विशिष्ट आई एस 458: 1988	पूर्व ढलित कंक्रीट पाइप (प्रवर्तन राहित और सहित) - विशिष्ट आई एस 458: 1988	28-02-2011			

[सं. सी एम डी/13 : 13]

एन. पी. कावळे, निदेशक एवं प्रमुख

New Delhi, the 4th April, 2012

S.O. 1332.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

## SCHEDULE

Sl. No.	Licences No.	Name and Address of the Licensee CM/L-	Article/Process with relevant Indian standards covered by the licence cancelled/suspension	Date of Cancellation
1.	0655655	Prabhu Steel Industries Pvt. Ltd. Plot No. 159 and 160, Small Factory Area, Bagadganj Nagpur- 440008, Maharashtra	High strength deformed steel bars and wires for concrete reinforcement IS 1786 : 1985	30-11-2010
2	7683291	Packaging Products Plot No.B-1, MIDC Industrial Area Hingha Road Nagpur- 440010, Maharashtra	General requirements for packages of explosive : part I commercial high explosives IS 10212 : Part I: 1986	10-12-2010
3.	781378	ARC-TEC systems Limited K-48, Five star Industrial area, MIDC, Butibori Dist. Nagpur 441122, Maharashtra	Covered electrodes for manual metal arc welding of carbon and carbon manganese steel IS 814 : 2004	16-01-2011
4.	7899520	Shri Sai Shradha Foods & Beverages Mfg. Co. Plot No. 11, S.No. 18/1, Mauza-Ranala, Taluka Kamptee, Dist. Nagpur-441002 Maharashtra	Packaged drinking water (other than packaged natural mineral water)- IS 14543 : 2004	11-01-2011
5.	1625954	Shreyans Wires Limited, Plot No. 57, Garoba Maidan, Bagadganj Nagpur- 440008, Maharashtra	Particular types of winding wires- part 34:polyester enamelled round copper wire, class 1301 IS 13730 : Part 34 : 2000	30-11-2012
6.	2340438	Himalaya Industries Akola Road Khamgaon, Dist. Buldhana- 444303, Maharashtra	Precast concrete pipes (with and without reinforcement) IS 458 : 1988	28-02-2011

[No. CMD/13 : 13]

N. P. KAWALE, Director &amp; Head

नई दिल्ली, 4 अप्रैल, 2012

**का.आ. 1333.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक व्यूरो एतदहारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—**

**अनुसूची**

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	3717767	12-04-2011	मैसर्स कोणार्क ज्वैलर्स, दत्त मन्दिर के सामने, मोदी नं. 2, सीताबर्डी, नागपुर, महाराष्ट्र-440012	स्वर्ण एवं स्वर्ण मिश्र धातुएं आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	1417	-	- 1999
2.	3718062	13-04-2011	मैसर्स अनमोल इंडस्ट्रीज, प्लॉट नं. बी-7/10 एवं 7/11, एम आई डी सी, बुटीबोरी-441108, जिला-नागपुर, महाराष्ट्र	घरेलू प्रेशर कुकर-विशिष्टि	2347	-	- 2006
3.	3718163	13-04-2011	मैसर्स प्रथमेश एक्वा इंडस्ट्रीज, 44 एवं 45, मौजा बडोडा, तहसील-कामठी, जिला-नागपुर, महाराष्ट्र-441104	पैकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	- 2004
4.	3718466	15-04-2011	मैसर्स विदर्भ वाईंडिंग वायर्स लिमी., सी 40/ए, एम.आय.डी.सी एरिया नागपुर, महाराष्ट्र-440028	कुंडलन तारो के विशेष प्रकारों की-विशिष्टि भाग 3 पोलीएस्टर इमैल्कृत गोल ताबे के तार वर्ग 155	13730	3	- 1996
5.	3719670	21-04-2011	मैसर्स श्री प्रथमेश एक्वा प्रॉडक्ट्स प्लॉट नं. 66, ईसाजी नगर, जिला-वर्धा, महाराष्ट्र-442001	पैकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	- 2004
6.	3719771	21-04-2011	मैसर्स टेनिको बेवरेज इंडस्ट्रीज, 109, मौजा-सुकली (गुपचुप) गुप्तांव रोड, तहसील-हिंगना जिला-नागपुर, महाराष्ट्र-441110	पैकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	- 2004
7.	3720352	26-04-2011	मैसर्स भैयाजी रामभाऊ रोकडे ज्वैलर्स बडकस चौक, महल, जिला नागपुर महाराष्ट्र-440002	स्वर्ण एवं स्वर्ण मिश्र धातुएं आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	1417	-	- 1999
8.	3722154	28-04-2011	मैसर्स महाराष्ट्र सिलैंडर्स प्राइ. लिमी., रेलवे स्टेशन के पास, कलमेश्वर, जिला-नागपुर, महाराष्ट्र	अल्प दाब द्रव्यणीय गैसों के लिए 5 लिटर से अधिक जल- क्षमता वाले बोल्डिंग अल्प कार्बन इस्पात के सिलिंडर भाग । द्रवित पेट्रोलियम (एल पी जी) के लिए सिलिंडर-विशिष्टि	3196	1	- 2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	3724057	03-05-2011	मैसर्स मोदीगोल्ड पाइप्स प्रा. लि., बी-104, एम.आइ.डी.सी. इंडस्ट्रीयल एरिया, बुटीबोरी, जिला-नागपुर महाराष्ट्र-441122	पेयजल की पूर्ति के लिए असुधारित पीवीसी पाइप-विशिष्टि	4985	-	-	2000
10.	3726768	10-05-2011	मैसर्स रीजीलैक पॉलीमर्स प्रा. लि., प्लॉट नं. ए-37, एम.आइ.डी.सी. एरिया, जिला-वर्धा महाराष्ट्र-442006	विद्युत संस्थापनों के लिए कंड्यूट प्रणाली भाग 2 विशेष अपेक्षाएं, भूमि के नीचे गाढ़ी गई कंड्यूट प्रणाली	14930	2	-	2001
11.	3730658	02-06-2011	मैसर्स किसान फूड्स एंड बेवरेजेस, प्लॉट नं. एफ-5, एम.आइ.डी.सी., जिला-वर्धा, महाराष्ट्र-442006	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा-विशिष्टि	14543	-	-	2004
12.	3731357	03-06-2011	मैसर्स मारोति एंटरप्राइजेस, विलेज-शेकपुर, तालुका काटोल, जिला-नागपुर-441103, महाराष्ट्र	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा-विशिष्टि	14543	-	-	2004
13.	3739575	06-07-2011	मैसर्स दी इंडियन ह्युम पाइप कं. लि., नागपुर-जबलपुर रोड, कहान, जिला-नागपुर, महाराष्ट्र-441401	अस्तर व लेपन वाले सरिये/तार से लिपटे हुए इस्पात के बेलनाकार पाइप (विशेष सहायकाग सहित)-विशिष्टि	15155	-	-	2002
14.	3740661	08-07-2011	मैसर्स टू फॉर्म इंजिनिअर्स, सर्व नं. 7/3, विलेज-कावठा, पोस्ट-खैरी, तहसील-कामठी, जिला-नागपुर, महाराष्ट्र	पानी, गैस एवं मल जल के लिए दाब पाइप हेतु तन्द लोहे की फिटिंग-विशिष्टि	9523	-	-	2000
15.	3741461	12-07-2011	मैसर्स निम्बस बेवरेजेस प्रा. लि., 76, माँ उमिया औद्योगिक सहकारी, वसाहत लि., घंडारा रोड, कापसी (बीजेड), जिला-नागपुर, महाराष्ट्र-440035	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा-विशिष्टि	14543	-	-	2004
16.	3742362	15-07-2011	मैसर्स अंशीस इंडस्ट्रीस, प्लौट नं. 63, माता मंदिर, झिंगाबाई टाकली, एम बी टाऊन, जिला-नागपुर, महाराष्ट्र-440030	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा-विशिष्टि	14543	-	-	2004
17.	3743263	18-07-2011	मैसर्स येल्लेवार ज्वैलर्स, गांधी चौक, सराफा लाईन, जिला चन्दपुर, महाराष्ट्र-442402	स्वर्ण एवं स्वर्ण मिश्र धातुएं आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	1417	-	-	1999
18.	3743869	20-07-2011	मैसर्स नागपाल एंटरप्राइजेस, पी एच नं. 53, स. नं. 132/2, चनकापुर, तस. सावनेर, जिला-नागपुर, महाराष्ट्र-441102	पूर्वदलित कंक्रीट पाइप (प्रबलन सहित और रहित)-विशिष्टि	458	-	-	2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
19.	3747675	02-08-2011	मैसर्स चेस्टिटी बेवरेजेस, गट नं. 44-42, विलेज बहुपुण, एन एच नं. 6, अंकुर सोइस के बाजु में, मलकापुर, जिला-बुलडाना, महाराष्ट्र-443101	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
20.	3749376	10-08-2011	मैसर्स विरेन फूइस एंड बेवरेजेस प्रा. लि., प्लॉट नं. एफपी 13, फुड पार्क झोन, एम आई डी सी इंडस्ट्रीयल एरिया बुटीबोरी, जिला-नागपुर, महाराष्ट्र-441122	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
21.	3749881	11-08-2011	मैसर्स निर्मल एक्वा इंडस्ट्रीस, IIInd फ्लोर, आर्य वस्त्रालय बड़कस चौक महल, नागपुर, महाराष्ट्र-440032	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
22.	3752365	18-08-2011	मैसर्स सुरजा भिवसॉन मिल्क प्रा.लि., स नं. 306/132, एट कारला तालुका चान्दुर रेल्वे, जिला- अमरावती, महाराष्ट्र-444904	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
23.	3754167	24-08-2011	मैसर्स प्राजक्ता एंटरप्राइजेस, 359, लोनास रोड, सेलु, तह.-कलमेश्वर, जिला-नागपुर, महाराष्ट्र-441910	जनरल रिक्वायरमेंट्स ऑफ पेकेजेस ऑफ एक्सप्लोसिव्स : पार्ट 1 कमर्शियल हाय एक्सप्लोसिव्स	10212	1	-	1986
24.	3755674	02-09-2011	मैसर्स भालाक्ष्मी एंटरप्राइजेस, हाऊस नं. 293, अंबेडकर नगर, देऊलगांव राजा, तालुका-देऊलगांव जिला-बुलडाना, महाराष्ट्र-443204	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
25.	3756373	07-09-2011	मैसर्स एस आर जे हेल्थ केयर इंक, गट नं. 315, विलेज-माजोड तंडाली रोड, अकोला, महाराष्ट्र	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
26.	3757375	12-09-2011	मैसर्स सुधा बेवरेजेस इंडस्ट्रीस सी-6, एम.आई.डी.सी. एरिया, नांदगांव पेठ अमरावती, महाराष्ट्र-444606	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा- विशिष्टि	14543	-	-	2004
27.	3758175	12-09-2011	मैसर्स टू फॉर्म इंजीनियर्स, खसरा नं. 155/3, विलेज-कावडा, तहसील-कामठी, जिला-नागपुर, महाराष्ट्र-441002	जलकल के लिए स्लूस वॉल्व 50 से 1200 मि.मी साईज-विशिष्टि	14846	-	-	2000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
28.	3759076	15-09-2011	मैसर्स महिन्द्रा एंड महिन्द्रा लि., फार्म इक्विपमेंट सेक्टर, एम.आय.डी.सी. एरिया, हिंगना रोड, प्लॉट नं. एक । एंड एफ 7 नागपुर, महाराष्ट्र-440016	सामाज्य प्रयोजन के लिए समगति संपीडन दहन (डीजल) इंजनों (19 के डब्ल्यू तक) की कार्यकारिता अपेक्षाओं की विशिष्टि	10001	1	-	1981
29.	3761669	23-09-2011	मैसर्स व्ही के इंडस्ट्रीस 28 वांजरा ले-आउट, पिली नदी इंडस्ट्रीयल एरिया, कामठी रोड, जिला नागपुर, महाराष्ट्र-440026	संवातन और वर्षा के पानी के तंत्र सहित भवनों के अन्दर की मिट्टी तथा अपशिष्ट निरावेशन तंत्र के लिए अनम्यकृत पी वी सी पाइप-विशिष्टि	13592	-	-	1992
30.	3761265	23-09-2011	मैसर्स कुर्जेकर एग्रीकल्चर मशीनरी एट-चोप, पोस्ट-कोरेगांव तह.-देसाईंगंज बड़सा, जिला- गढ़चिरोली, महाराष्ट्र-441207	पावर थेशर-सेफ्टी रिक्वारमेंट्स -विशिष्टि	9020	-	-	2002
31.	3762166	27-09-2011	मैसर्स करन कोठारी ज्वैलर्स प्रा.लि., नार्थ अंबाझरी रोड, निअर वोकखार्ड हास्पिटल धरमपेठ, नागपुर, महाराष्ट्र-440010	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	1417	-	-	1999
32.	3762267	27-09-2011	मैसर्स करन कोठारी ज्वैलर्स प्रा.लि., नार्थ अंबाझरी रोड, निअर वोकखार्ड हास्पिटल धरमपेठ, नागपुर, महाराष्ट्र-440010	चांदी एवं चांदी मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	2112	-	-	2003
33.	3769382	24-10-2011	मैसर्स प्रथमेश उद्योग नागपुर डी-60, एम आई डी सी हिंगना इंडस्ट्रीयल इस्टेट जिला-नागपुर, महाराष्ट्र-440028	शिरोपरि प्रेषन प्रयोजन के लिए एल्यूमिनियम चालक-विशिष्टि, भाग । एल्यूमिनियम लड्डार चालक	398	1	-	1996
34.	3771571	02-11-2011	मैसर्स पारेख अरुणकुमार भोगीलाल लाल ज्वैलर्स लि., मेन रोड, सीताबडी नागपुर महाराष्ट्र-440012	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता मुहरांकन-विशिष्टि	1417	-	-	1999
35.	3771268	02-11-2011	मैसर्स सुखदा मिनरल्स प्लॉट नं. ए-15, मोर्शी मिनी इंडस्ट्रीयल एरिया एम आई डी सी, मायवाडी तालुका-मोर्शी, जिला-अमरावती, महाराष्ट्र-444905	पेकेजबन्द पेय जल प्राकृतिक मिनरल जल के अलावा -विशिष्टि	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
36.	3770872	31-10-2011	मैसर्स कपिलवस्तु मागासवर्गीय औद्योगिक सहकारी संस्था मर्यादित सर्वे नं. 71/2, हिवरा लाहे, तालुका-कारंजा, जिला-बाशिम महाराष्ट्र-441105	सिंचाई उपस्कर-सिंप्रकलर पाईप-विशिष्टि भाग 2 सहज सर्योजी पॉलीइथीलिन पाईन तथा फिटिंग्स	14151	2	-	2008
37.	3777179	24-11-2011	मैसर्स लॉयड्स स्टील इंडस्ट्रीस लि., लॉयड्स नगर, भुगांव लिंक रोड, वर्धा-442001	तप्त बेल्टिंग कार्बन इस्पात की चर्दे एवं पत्तियां-विशिष्टि	1079	-	-	1994
38.	3777078	24-11-2011	मैसर्स लॉयड्स स्टील इंडस्ट्रीस लि., लॉयड्स नगर, भुगांव लिंक रोड, वर्धा-442001	हॉट रोल्ड स्टील प्लेट (अपटू 6 एम एम) शीट एंड स्ट्रीप फॉर मेन्युफेक्चर ऑफ लो प्रेशर लिक्विफिएबल गैस सिलेन्डर-स्पेसिफिकेशन	6240	-	-	1999
39.	3778080	28-11-2011	मैसर्स लॉयड्स स्टील इंडस्ट्रीस लि., लॉयड्स नगर, भुगांव लिंक रोड, वर्धा-442001	इस्पात की चारखानेदार प्लेटें-विशिष्टि	3502	-	-	1994
40.	3780471	02-12-2011	मैसर्स महालक्ष्मी टी एम टी प्रा. लि., सी-2, देवली ग्रोथ सेंटर, देवली एम आई डी सी जिला वर्धा, महाराष्ट्र-442101	कंक्रीट प्रबलन के लिए उच्च शक्ति विरुपित इस्पात सरिए एवं तार-विशिष्टि	1786	-	-	2008
41.	3782576	12-12-2011	किशोर इंडस्ट्रीस, प्लॉट नं. 27 गुडलक हाऊसिंग सोसायटी ग्रीन डायमंड रेस्टोरेंट के सामने, विलेज-बोखारा जिला-नागपुर, महाराष्ट्र-441111	पेकेजबन्द पेय जल प्राकृतिक पिनरल जल के अलावा -विशिष्टि	14543	-	-	2004
42.	3782374	12-12-2011	मैसर्स तिकहारी (इंडिया) प्रा. लि., सी-27/28, एम आर्य डी सी बुटीबोरी जिला-नागपुर महाराष्ट्र-441122	हस्त्य धातु आर्क वेल्डिंग के लिए आवृत्त कार्बन और कार्बन पैगनीज इलैक्ट्रोड -विशिष्टि	814	-	-	2004
43.	3783174	15-12-2011	मैसर्स वेल्डा इलैक्ट्रोड्स (इंडिया) प्रा. लि., बी 2/9 एम आय डी सी इंडस्ट्रीयल एरिया, बुटीबोरी, जिला-नागपुर, महाराष्ट्र-441122	हस्त्य धातु आर्क वेल्डिंग के लिए आवृत्त कार्बन और कार्बन पैगनीज इलैक्ट्रोड -विशिष्टि	814	-	-	2004
44.	3785784	28-12-2011	मैसर्स महालक्ष्मी टी एम टी प्रा.लि., सी-2, देवली ग्रोथ सेंटर, देवली एम आई डी सी, जिला-वर्धा, महाराष्ट्र-442101	सामान्य संरचना इस्पात में पुनर्व्यवस्थन के लिए कार्बन डलबां इस्पात विलेट इंगट विलेट ब्लूम और स्लैब की -विशिष्टि	2830	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
45.	3786079	29-12-2011	मैसर्स एस एम टी सी पावर एंड इंडस्ट्रीज प्रा. लि., ख. नं. 285-1, 285-2, 286 पी एच नं. 23, ऊमरी फाटा मौजा-गुमथला, तह.-कामठी जिला-नागपुर महाराष्ट्र-409150	पानी, गैस और मलजल के लिए 8329 अपकेन्द्रत ढले (स्पन) तन्य लोहा के दाब पाइप-विशिष्टि	—	—	—	2000

[सं. सीएमडी/13 : 11]

एन. पी. कावले, निदेशक एवं प्रमुख

New Delhi, the 4th April, 2012

**S.O. 1333.**—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

**SCHEDULE**

Sl. No.	Licences No.	Grant Dated	Name of Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3717767	12-04-2011	M/s. Konark Jewellers, Opp. Datta Mandir, Modi No. 2, Sitabuldi, Nagpur Maharashtra-440012	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	—	—	1999
2.	3718062	13-04-2011	M/s. Anmol Industries, Plot No.K-7/10 & 7/11 MIDC, Butibori, Distt.-Nagpur Maharashtra - 441108	Domestic Pressure Cooker Specification	2347	—	—	2006
3.	3718163	13-04-2011	M/s. Prathamesh Aqua Industries, 44 & 45, Mauza-Wadoda Tahsil-Kamptee, Distt.-Nagpur, Maharashtra-441104	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	—	—	2004
4.	3718466	15-04-2011	M/s. Vidarbha Winding Wires Ltd., C-40/A, MIDC Area Nagpur, Maharashtra-440028	Specifications for Particulars Types of Winding Wires- Part 3 : Polyester Enamelled Round Copper Wire, Class 155	13730	3	—	1996
5.	3719670	21-04-2011	Shri Prathamesh Aqua Products, Plot No. 66, Isaji Nagar Distt.-Wardha Maharashtra-442001	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	—	—	2004
6.	3719771	21-04-2011	M/s. Tenico Beverage Industries, 109, Mauza-Sukali (Gupchup) Gumgaon Road, Teh.-Hingna, Distt.-Nagpur, Maharashtra-441110	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	—	—	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	3720352	26-04-2011	M/s. Bhaiyaji Rambhauji Rokde Jewellers, Badkas Chowk, Mahal Nagpur Maharashtra-440002	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- -Specification	1417	-	-	1999
8.	3722154	28-04-2011	M/s. Maharashtra Cylinders Pvt. Ltd., Near Railway Station, At Post-Kalmeshwar Dist-Nagpur, Maharashtra	Welded Low Carbon Steel Cylinders Exceeding 5 Litre water capacity For Low Pressure Liquefiable Gases- Part 1 : Cylinder for liquefied Petroleum Gases (LPG)- -Specification	3196	1	-	2006
9.	3724057	03-05-2011	M/s. Modigold Pipes Pvt, Ltd., B-104, MIDC Industrial Area, Butibori, Dist.-Nagpur, Maharashtra -441122.	Unplasticized PVC Pipes Potable Water Supplies -Specification	4985	-	-	2000
10.	3726768	10-05-2011	M/s. Reaselack Polymers Pvt. Ltd., Plot No. A-37, MIDC Area Dist.- Wardha Maharashtra- 442006	Conduit Systems for Electrical and Communi- cation Installation Part 2: Particular Requirements for Conduit System Burried Underground.	14930	2	-	2001
11.	3730658	02-06-2011	M/s. Kisan Foods & Beverages, Plot No. F/5 MIDC Distt.- Wardha, Maharashtra-442006	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	-	-	2004
12.	3731357	03-06-2011	M/s. Maroti Enterprises, Village-Shekpur, Taluka-Katol, Distt.-Nagpur Maharashtra-441103	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	-	-	2004
13.	3739575	06-07-2011	M/s. The Indian Hume Pipe Co. Ltd., Nagpur-Jabalpur Road, Near Kanhan Rail way Station, Dist.-Nagpur Maharashtra-441401	Bar-Wire Wraped Steel Cylinder Pipes with Mortarlining And Coating (including Specials) -Specification	15155	-	-	2002
14.	3740661	08-07-2011	M/s. Truform Techno Product Ltd., S. No. 7/3, At-Kawtha, Post-Khairiy Tahsil-Kamptee Distt.-Nagpur, Maharashtra-441002	Ductile Iron Fittings for Pressure Pipes for Water, Gas and Sewage	9523	-	-	2000
15.	3741461	12-07-2011	M/s. Nimbus Beverages Pvt. Ltd., 76, Maa Umiya Audhogic Sahakari Vasahat Ltd., Bhandara Road, Kapsi (BZ) Distt.-Nagpur, Maharashtra-440035	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	-	-	2004
16.	3742362	15-07-2011	M/s. Anshees Industries, Plot No. 63, Mata Mandir, Zingabai takli, MB Town, Dist.-Nagpur, Maharashtra-440030	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	3743263	18-07-2011	M/s. Yellewar Jewellers, Gandhi Chowk, Sarafa Line Dist.-Chandrapur, Maharashtra-442402.	Gold And Gold Alloys, Jewellery/Artefacts- Fineness and Marking- -Specification	1417	—	—	1999
18.	3743869	20-07-2011	M/s Nagpal Enterprises, Ph. No. 53, S. No. 132/2, Chankapur, Tah.-Saoner, Dist.-Nagpur, Maharashtra-441102	Specification for Precast Concrete Pipes (with and without Reinforcement)	458	—	—	2003
19.	3747675	02-08-2011	M/s Chastity Beverages Gut No. 42-44, Village- Bahapura, N.H. No. 6, Beside Ankur Seed, Dist.-Buldhana, Maharashtra-443101	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	—	—	2004
20.	3749376	10-08-2011	M/s. Viren Foods & Beverages Pvt. Ltd., Plot No. FP 13, Food Park Zone, MIDC. Industrial Area, Butibori, Dist.-Nagpur Maharashtra-441122	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004
21.	3749881	11-08-2011	M/s Nirmal Aqua Industries, HInd Floor, Arya Vastralaya, Badkas Chowk, Mahal, Nagpur, Maharashtra-440032	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543	—	—	2004
22.	3752365	18-08-2011	M/s. Surja Bhivson Milk Pvt. Ltd. S. No. 306/132, At- Karla, Taluka-Chandur Railway, Dist.-Amravati, Maharashtra-444904	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004
23.	3754167	24-08-2011	M/s. Prajakta Enterprises, 359, Lonara Road, Selu, Tah. Kalmeshwar, Dist.-Nagpur, Maharashtra-441910	General requirements for packages of explosives : Part I Commercial high explosives	10212	1	—	1986
24.	3755674	02-09-2011	M/s. Maha Laxmi Enterprise , House No. 293, Ambedkar Nagar, Deulgaon Raja, Tq.-Deulgaon, Dist.-Buldhana Maharashtra-443204	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004
25.	3756373	07-09-2011	M/s. SRJ Health Care Inc., Gut No. 315, Village-Mazod, Tandali Road, Akola, Maharashtra	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004
26.	3757375	12-09-2011	M/s. Sudha Bevarage Industries, C-6, MIDC Area, Nandgaon Peth Amravati, Maharashtra-444606	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
27.	3758175	12-09-2011	M/s. TRU Form Engineers, Khasara No. 155/3, Village-Kawtha, Tahsil-Kamptee, Dist.-Nagpur, Maharashtra-441002	Sluice Valve for Water Works Purposes (50 to 1200 mm Size)-Specification	14846	-	-	2000
28.	3759076	15-09-2011	M/s. Mahindra & Mahindra Ltd. Farm Equipment Sector MIDC Area, Hingna Road, Plot No. F1 & F7, Dist.-Nagpur, Maharashtra-440016	Performance requirements for constant speed compression ignition diesel) engines for general purposes (up to 20kW)	10001	1	-	1981
29.	3761669	23-09-2011	M/s. V. K. Industries 28, Wanjara Layout, Pili Nadi Industrial Area, Kamptee Road, Dist.-Nagpur, Maharashtra-440026	Specification for UPVC pipes for soil and waste discharge systems inside buildings including ventilation and rainwater system	13592	-	-	1992
30.	3761265	23-09-2011	M/s. Kurjekar Agricultural Machinery, At-Chop, Post-Koregaon, Tah.-Desaiganj Wadsa, Dist.-Gadchiroli, Maharashtra-441207	Power Threshers-Safety Requirements	9020	-	-	2002
31.	3762166	27-09-2011	M/s. Karan Kothari Jewellers Pvt. Ltd., North Ambajhari Road, Near New Wockhard Hospital Dharampeth, Nagpur, Maharashtra-440010	Gold & Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	1417	-	-	1999
32.	3762267	27-09-2011	M/s. Karan Kothari Jewellers Pvt. Ltd., North Ambajhari Road, Near New Wockhard Hospital Dharampeth, Nagpur, Maharashtra-440010	Silver & Silver Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	2112	-	-	2003
33.	3769382	24-10-2011	M/s. Prathamesh Udyog D-60, MIDC, Hingna Industrial Estate, Nagpur, Maharashtra-440028	Aluminium conductors for overhead transmission purposes : Part I Aluminium stranded conductors	398	1	-	1996
34.	3771571	02-11-2011	M/s. Parekh Arunkumar Bhogilal Jewellers Pvt. Ltd., Main Road Sitabdi, Nagpur, Maharashtra-440012	Gold & Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	1417	-	-	1999
35.	3771268	02-11-2011	M/s. Sukhada Minerals, Plot No. A-15, Morshi Mini Industrial Area, MIDC, Maywadi, Taluka-Morshi, Dist.-Amravati Maharashtra-444905	Packaged Drinking Water (other than Packaged Natural Mineral Water)-Specification	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
36.	3770872	31-10-2011	M/s. Kapilvastu Magasvargiya Audhyogik Sahakari Sanstha Maryadit Survey No. 71/2, Hivara Lahe, Taluka-Karanja, Distt.-Washim Maharashtra-441105	Irrigation Equipment- Sprinkler Pipes- Specification-Part 2: Quick Coupled Polyethylene Pipes	14151	2	—	2008
37.	3777179	24-11-2011	M/s. Lloyds Steel Industries Ltd. Lloyds Nagar, Bhoogaon Link, Road, Wardha Maharashtra-442001	Hot Rolled Carbon Steel Sheets and Strips- Specification	1079	—	—	1994
38.	3777078	24-11-2011	M/s. Lloyds Steel Industries Ltd. Lloyds Nagar, Bhoogaon Link, Road, Wardha Maharashtra-442001	Hot Rolled Steel Plate (up to 6 mm) Sheet and Strip for the Manufacture of Low Pressure Liquefiable Gas Cylinders-Specification	6240	—	—	1999
39.	3778080	28-11-2011	M/s. Lloyds Steel Industries Ltd. Lloyds Nagar, Bhoogaon Link, Road, Wardha Maharashtra-442001	Steel Chequered Plates- Specification	3502	—	—	1994
40.	3780471	02-12-2011	M/s. Mahalaxmi TMT Pvt. Ltd., C-2, Deoli Growth Centre, MIDC, Distt.-Wardha, Maharashtra-442101	Specification for high strength deformed steel bars and wires for concrete reinforcement	1786	—	—	2008
41.	3782576	12-12-2011	M/s. Kishore Industries Plot No. 27, Goodluck Housing Society, Opp. Green Diamond Restaurant, Village-Bokhara Distt.-Nagpur Maharashtra-441111	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543	—	—	2004
42.	3782374	12-12-2011	M/s. Tiruhari(India) Pvt. Ltd., C-27/28, MIDC, Butibori, Distt.-Nagpur Maharashtra-441122	Covered Electrodes for manufal metal arc welding of carbon and carbon Manganese steel	814	—	—	2004
43.	3783174	15-12-2011	M/s. Weldall Electrodes (India) Pvt. Ltd., B-2/9 MIDC Industrial Area, Butibori, Distt.- Nagpur Maharashtra-441122	Covered Electrodes for manual metal arc welding fo carbon and carbon Manganese steel	814	—	—	2004
44.	3785784	28-12-2011	M/s. Mahalaxmi TMT Pvt. Ltd. C-2, Deoli Growth Centre, MIDC Distt.-Wardha, Maharashtra-442101	Carbon Steel Cast Billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830	—	—	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
45.	3786079	29-12-2011	M/s. SMTC Power & Industries Pvt. Ltd., KH. No. 285-1, 285-2, 286, PH. No. 23, Umri Phata, Mauza-Gumthalala, Teh.-Kamptee Distt.-Nagpur, Maharashtra-409150	Centrifugally Cast (Spun) Ductile Iron Pressure Pipes for Water, Gas and Sewage -Specification	8329	-	-	2000

[No. CMD/13:11]

N. P. KAWALE, Director &amp; Head

नई दिल्ली, 4 अप्रैल, 2012

का.आ. 1334.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 5 के उप-नियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

## अनुसूची

क्र. सं	लाइसेंस संख्या सी एम/एल-	लाइसेंसधारी का नाम व पंता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7982406	मैसर्स इस्पात इंडस्ट्रीज लि., प्लॉट नं. ए/10/1, 10/2, एम आई डी सी कल्मेश्वर, जिला-नागपुर, महाराष्ट्र-441501	खोखले इस्पात के खंड संरचनात्मक प्रयोग के लिए-विशिष्टि आईएस 4923 : 1997	12-08-2011
2.	7984915	मैसर्स इस्पात इंडस्ट्रीज लि., प्लॉट नं. ए/10/1, 10/2, एम आई डी सी कल्मेश्वर, जिला-नागपुर, महाराष्ट्र-441501	इस्पात की नलियाँ, नलिकाकार, सामग्रियाँ तथा इस्पात की अन्य फिटिंगे-विशिष्टि- भाग 1 इस्पात की नलियाँ आईएस 1239 (पी-1) : 2004	12-08-2011
3.	7985008	मैसर्स इस्पात इंडस्ट्रीज लि., प्लॉट नं. ए/10/1, 10/2, एम आई डी सी कल्मेश्वर, जिला-नागपुर, महाराष्ट्र-441501	इस्पात नलिकाएं संरचनात्मक उपयोगों के लिए-विशिष्टि आईएस 1161 : 1998	12-08-2011
4.	7488596	मैसर्स ऑटोमेशन कंट्रोल्स प्लॉट नं. 204, भिवापुरकर कॉलोनी, धनतोली, जिला-नागपुर, महाराष्ट्र-440012	विस्फोटी गैस पर्यावरणों के लिए बिजली के उपकरण-ज्वालासह आवरण 'डी' आईएस 2148 : 2004	20-10-2011
5.	3713153	मैसर्स पुष्पराज इंडस्ट्रीज प्लॉट क्र. सी-12, इंडस्ट्रीयल इस्टेट मूल रोड, जिला-चंद्रपुर महाराष्ट्र-442401	पेकेजबन्ड पेय जल (पेकेजबन्ड प्राकृतिक मिनरल जल के अलावा)-विशिष्टि आईएस 14543 : 2004	09-12-2011
6.	7943594	मैसर्स श्रीजी बेवरेजेस गट नं. 753/2, छोटा राजेगांव तह.-गोदिया, महाराष्ट्र-441601	पेकेजबन्ड पेय जल (पेकेजबन्ड प्राकृतिक मिनरल जल के अलावा)-विशिष्टि आईएस 14543 : 2004	19-12-2011

(1)	(2)	(3)	(4)	(5)
7.	3712555	मैसर्स एस आर प्रॉडक्शंस 20, हिंगनघाट फैल पुलगांव, तालुका- देवली, जिला-वर्धा महाराष्ट्र-442302	पेकेजबन्ड पेय जल (पेकेजबन्ड प्राकृतिक मिनरल जल के अलावा) -विशिष्ट आईएस 14543 : 2004	26-12-2011

[सं. सीएमडी/13 : 13]

एन. पी. कावले, निदेशक एवं प्रमुख

New Delhi, the 4th April, 2012

**S.O. 1334.**—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

**SCHEDULE**

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence suspension/cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7982406	M/s. Ispat Industries Ltd., Plot No. A/10/1, 10/2 MIDC Kalmeshwar, Distt.-Nagpur Maharashtra-441501	Hollow Steel Sections for structural use IS 4923 : 1997	12-08-2011
2.	7984915	M/s. Ispat Industries Ltd., Plot No. A/10/1, 10/2 MIDC Kalmeshwar, Distt.-Nagpur Maharashtra-441501	Mild steel tubes, Tubulars and other wrought steel fittings : Part 1 Mild Steel Tubes IS 1239(P-1) : 2004	12-08-2011
3.	7985008	M/s. Ispat Industries Ltd., Plot No. A/10/1, 10/2 MIDC Kalmeshwar, Distt.-Nagpur Maharashtra-441501	Steel Tubes for structural purposes IS 1161 : 1998	12-08-2011
4.	7488596	M/s. Automation Controls 204, Bivapurkar Colony, Dhantoli, Nagpur, Maharashtra-440012	Electrical Apparatus for explosive Gas Atmospheres-Flameproof Enclosures "d" IS 2148 : 2004	20-10-2011
5.	3713153	M/s. Pushparaj Industries Plot No. C-12, Industrial Estate, Mul Road, Distt.-Chandrapur Maharashtra-442401	Packaged Drinking water (other than natural Mineral Water) IS 14543 : 2004	09-12-2011
6.	7943594	M/s. Shreeji Beverages Gat No. 753/2, Chota Rajegaon Teh. Gondiya Maharashtra-441601	Packaged Drinking water (other than natural Mineral Water) IS 14543 : 2004	19-12-2011
7.	3712555	M/s. S. R. Products 20, Hinganghat Faij Pulgaon, Taluka-Deoli, Distt.-Wardha Maharashtra-442302	Packaged Drinking water (other than natural Mineral Water) IS 14543 : 2004	26-12-2011

[No. CMD/13:13]

N. P. KAWALE, Director &amp; Head

## कोयला मंत्रालय

नई दिल्ली, 10 अप्रैल, 2012

**का.आ. 1335.**—केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 3003, तारीख 8 दिसम्बर, 2010 द्वारा जो भारत के राजपत्र, भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 11 दिसम्बर, 2010 में प्रकाशित की गई थी। उक्त अधिसूचना से संलग्न अनुसूची में यथा विनिर्दिष्ट परिक्षेत्र में ऐसी भूमि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि इसे संलग्न अनुसूची में यथा वर्णित 110.761 हेक्टर (लगभग) या 273.690 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि, अनुसूची में वर्णित 110.663 हेक्टर (लगभग) या 273.448 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या सी-1(ई)/III/जेजेएनआर/870-0911, तारीख 19 सितम्बर, 2011 का निरीक्षण कलेक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता (पिन-700 001) के कार्यालय में या महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची  
घोन्सा सेंट्रल और नॉर्थ ब्लारी ब्लॉक  
वणी नार्थ क्षेत्र  
जिला- यवतमाल (महाराष्ट्र)

[रेखांक संख्या सी-1(ई)/III/जेजेएनआर/870-0911, तारीख 19 सितम्बर, 2011]

(सभी अधिकार)

( भाग-‘क’ )

क्रम सं.	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टेयर में	टिप्पणी
1.	कुंभारखनी	42	वणी	यवतमाल	8.30	भाग

कुल : 8.30 हेक्टर (लगभग)  
या 20.509 एकड़ (लगभग)

(सभी अधिकार)

( भाग-‘ख’ )

क्रम सं.	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टेयर में	टिप्पणी
1.	फुलोर	230	वणी	यवतमाल	25.35	भाग
2.	घोन्सा	98	वणी	यवतमाल	3.48	भाग

कुल : 28.83 हेक्टर (लगभग)  
या 71.239 एकड़ (लगभग)

(सभी अधिकार)

( भाग-'ग' )

क्रम सं.	ग्राम का नाम	पटवारी सर्कल संख्या	तहसील	जिला	क्षेत्रफल हेक्टेयर में	टिप्पणी
1.	घोन्सा	98	वणी	यवतमाल	62.703	भाग
2.	फुलोर	230	वणी	यवतमाल	10.830	भाग

कुल : 73.533 हेक्टर (लगभग)

या 181.700 एकड़ (लगभग)

(सभी अधिकार)

भाग-'क'	+	भाग-'ख'	+	भाग-'ग'	=	कुल क्षेत्र
8.300	+	28.830	+	73.533	=	110.663 हेक्टर (लगभग)
			या			
20.509	+	71.239	+	181.700	=	273.448 एकड़ (लगभग)
"अर्जित किए गए प्लॉट संख्यांक"						
भाग - 'क'						

ग्राम कुंभारखनी में अर्जित किए गए प्लॉट संख्यांक :

2(भाग), सरकारी

भाग - 'ख'

ग्राम फुलोर में अर्जित किए गए प्लॉट संख्यांक :

2(भाग), वनभूमि, सरकारी (नहर)

ग्राम घोन्सा में अर्जित किए गए प्लॉट संख्यांक :

65/1, 65/2

भाग - 'ग'

ग्राम फुलोर में अर्जित किए गए प्लॉट संख्यांक :

26/1, 26/1-क, 26/1-ख, 26/2, 26/2-क, 26/3, 26/4

ग्राम घोन्सा में अर्जित किए गए प्लॉट संख्यांक :

12/1, 37/1, 38/1, 38/2, 39, 40/1 से 40/77, 41/1-क, 41/2, 41/2-क, 41/2-ख, 41/2-ग, 41/2-घ, 41/2-ठ, 42/1, 42/2, 43, 46, 47, 48, 49, 50, 51, 52, 53/1, 53/2, 54, 55/1, 55/2, 56/1, 56/2, 56/2-क, 56/2-ख, 61/1, 61/2, 62, 63/1, सड़क (भाग)।  
लौपा वर्णन :

भाग - 'क'

ख-ख-ग : रेखा बिन्दु 'क', ग्राम 'कुंभारखनी' में ८ ; संख्या 2 से आरंभ होती है और बिन्दु 'ख' के पास से गुजरती हुई ग्राम 'कुंभारखनी' और ग्राम 'घोन्सा' की सम्मिलित ग्राम सीमा पर बिन्दु 'ग' पर मिलती है।

ग-घ-क : रेखा बिन्दु 'कुंभारखनी' और ग्राम 'घोन्सा' की सम्मिलित ग्राम से लगकर गुजरती है फिर प्लॉट संख्या 2 से गुजरती हुई आरंभिक बिन्दु 'क' पर मिलती है।

भाग - 'ख'

ड-च : रेखा बिन्दु 'ड' से आरंभ होती है और ग्राम फुलोर एवं ग्राम 'कुंभारखनी' की सम्मिलित सीमा और प्लॉट संख्या 2 की बाह्य सीमा से एक साथ गुजरती हुई ग्राम 'कुंभारखनी', 'घोन्सा' और फुलोर की त्रिसंगीय सीमा पर बिन्दु 'च' पर मिलती है।

च-छ : रेखा ग्राम 'कुंभारखनी', 'घोन्सा' और प्लॉट संख्या 2 की सीमा से एक साथ गुजरती हुई बिन्दु 'छ' पर मिलती है।

छ-ज-झ-ज : रेखा ग्राम 'घोन्सा' से बिन्दु 'ज'- 'झ' के पास से गुजरती हुई प्लॉट संख्यांक 65/1, 65/2 की बाह्य सीमा से लगकर गुजरती है और ग्राम 'घोन्सा' और ग्राम 'फुलोर' की सम्मिलित ग्राम सीमा पर बिन्दु 'ज' पर मिलती है।

ज-ट : रेखा ग्राम 'घोन्सा' 'फुलोर' की सम्मिलित सीमा और प्लॉट संख्या 2 की बाह्य सीमा से एक साथ गुजरती हुई बिन्दु 'ट' पर मिलती है।

**ट-ठ-ड :** रेखा ग्राम 'फुलोर' में प्लॉट संख्या 2 से होकर गुजरती है और बिन्दु 'ठ' के पास से गुजरती हुई ग्राम 'फुलोर' और ग्राम 'रासा' की सम्प्रिलित ग्राम सीमा पर बिन्दु 'ड' पर मिलती है।

**ठ-ड :** रेखा ग्राम 'फुलोर' और ग्राम 'रासा' तथा प्लॉट संख्या 2 की बाह्य सीमा से एक साथ गुजरती हैं और बिन्दु 'ड' पर मिलती है।

#### भाग - 'ग'

**द-ग :** रेखा बिन्दु 'ड' से ग्राम 'घोन्सा' से आरंभ होती है और ग्राम 'घोन्सा' से होकर गुजरती हुई प्लॉट संख्यांक 61/2, 61/1, 62 की बाह्य सीमा से लगकर गुजरती है फिर सड़क से लगकर गुजरती है और विदर्भ नदी के किनारे पर बिन्दु 'ग' पर मिलती है।

**ग-त-थ :** रेखा विदर्भ नदी के किनारे और प्लॉट संख्यांक 63/1, 46, 47, 48 की बाह्य सीमा से लगकर एक साथ गुजरती है फिर बिन्दु 'त' के पास से गुजरती हुई फिर से विदर्भ नदी के किनारे और प्लॉट संख्यांक 42/2, 43, 42/1, 42/2ड, 42/2घ, 12/1, की बाह्य सीमा से लगकर एक साथ गुजरती है और बिन्दु 'थ' पर मिलती है।

**थ-द-ध-न :** रेखा ग्राम 'घोन्सा' से बिन्दु 'द' और 'ध' के पास से गुजरती हुई प्लॉट संख्यांक 12/1, 41/1, 40/29, 40/28, 40/27, 40/26, 40/25, 40/24, 40/1 की बाह्य सीमा से होकर गुजरती है, सड़क पार करती है फिर पुनः प्लॉट संख्यांक 38/1, 37/1 की बाह्य सीमा से लगकर गुजरती है और ग्राम 'घोन्सा' और ग्राम 'फुलोर' की सम्प्रिलित ग्राम सीमा पर बिन्दु 'न' पर मिलती है।

**न-प-फ :** रेखा ग्राम 'फुलोर' से होकर गुजरती है और बिन्दु 'प' के पास से गुजरती हुई प्लॉट संख्यांक 26/1, 26/1क, 26/1ख, 26/2, 26/2क, 26/3, 24/4 की बाह्य सीमा से लगकर गुजरती है और ग्राम 'घोन्सा' और ग्राम 'फुलोर' की ग्राम सीमा पर बिन्दु 'फ' पर मिलती है।

**फ-ड :** रेखा ग्राम 'घोन्सा' से होकर प्लॉट संख्यांक 56/1, 56/2, 56/2क, 56/2ख, 61/1, 61/2, की बाह्य सीमा से लगकर गुजरती है और आरंभिक बिन्दु 'ड' पर मिलती है।

[फा. सं.-43015/16/2009-पी आर आई डब्ल्यू-I]

ए. के. दास, अवर सचिव

#### MINISTRY OF COAL

New Delhi, the 10th April, 2012

**S.O. 1335.—** Whereas by the notification of the Government of India in the Ministry of Coal number S. O. 3003, dated the 8th December, 2010, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part - II, Section - 3, Sub-Section (ii) dated the 11th December, 2010, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands in the locality specified in the Schedule annexed to that notification;

And whereas the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas, the Central Government after considering the report aforesaid and after consulting to the Government of Maharashtra, is satisfied that the lands measuring 110.761 hectares (approximately) or 273.690 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957) the Central Government hereby declares that the land measuring 110.663 hectares (approximately) or 273.448 acres (approximately) and all rights in or over such lands as described in the Schedule are hereby acquired.

The plan bearing number C-1(E)III/JJNR/870-0911, dated the 19th September, 2011 of the area covered by this notification, may be inspected at the office of the Collector, Yavatmal (Maharashtra) or at the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or at the office of the General Manager, Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

#### SCHEDULE

Ghonsa Central And North Quarry Block

Wani North Area

District- Yavatmal (Maharashtra)

(Plan bearing number C-1(E)III/JJNR/870-0911, dated the 19th September, 2011)

(All Rights)

**PART- 'A'**

Sl. No.	Name of village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
	Kumbharkhani	42	Wani	Yavatmal	8.30	Part

Total: 8.30 hectares (approximately)  
or 20.509 acres (approximately)

(All Rights)

**PART- 'B'**

Sl. No.	Name of village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	Fulor	230	Wani	Yavatmal	25.35	Part
2	Ghonsa	98	Wani	Yavatmal	3.48	Part

Total: 28.83 hectares (approximately)  
or 71.239 acres (approximately)

(All Rights)

**PART- 'C'**

Sl. No.	Name of village	Patwari Circle number	Tahsil	District	Area in hectares	Remarks
1	Ghonsa	98	Wani	Yavatmal	62.703	Part
2	Fulor	230	Wani	Yavatmal	10.83	Part

Total: 73.533 hectares (approximately)  
or 181.700 acres (approximately)

(All Rights)

PART -'A'	+	PART-'B'	+	PART-'C'	=	TOTAL AREA
8.300	+	28.830	+	73.533	=	110.663 hectares (approximately)
			OR			
20.509	+	71.239	+	181.700	=	273.448 acres (approximately)

“Plot Acquired in Village”

**PART - 'A'**

Plot numbers acquired in village Kumbharkhani :

2(P) Govt.

**PART - 'B'**

Plot numbers acquired in village Fulor :

2(P) Forest and Govt. (Canal).

Plot numbers acquired in village Ghonsa :

65/1, 65/2.

**PART - 'C'**

Plot numbers acquired in village Fulor :

26/1, 26/1-A, 26/1-B, 26/2, 26/2-A, 26/3, 26/4.

Plot numbers acquired in village Ghonsa :

12/1, 37/1, 38/1, 38/2, 39, 40/1 to 40/77, 41/1, 41/1-A, 41/2, 41/2-A, 41/2-B, 41/2-C, 41/2-D, 41/2-E, 42/1, 42/2, 43, 46, 47, 48, 49, 50, 51, 52, 53/1, 53/2, 54, 55/1, 55/2, 56/1, 56/2, 56/2-A, 56/2-B, 61/1, 61/2, 62, 63/1, Road Part.

Boundary description:

**PART - 'A'**

- A-B-C :** Line starts from Point 'A' through plot number 2 in village 'Kumbharkhani' and passes nearby Point 'B' and meets at Point 'C' on common village boundary of villages 'Kumbharkhani' and 'Ghonsa'.
- C-D-A :** Line passes along the common village boundary of villages 'Kumbharkhani' and 'Ghonsa', then passes through plot number 2 and meets at starting Point 'A'.

**PART - 'B'**

- E-F :** Line starts from Point 'E' and passes simultaneously along the common boundary of villages 'Kumbharkhani' and 'Fulor' and outer boundary of plot number 2 and meets at Point 'F' on trijunction of villages 'Kumbharkhani', 'Ghonsa' and 'Fulor'.
- F-G :** Line passes simultaneously along the common boundary of villages 'Fulor' and 'Ghonsa' and outer boundary of plot number 2 and meets at Point 'G'.
- G-H-I-J :** Line passes through village 'Ghonsa' and passes nearby Point 'H' and 'I' along the outer boundary of plot numbers 65/2 and 65/1, and meets at Point 'J' on common boundary of villages 'Ghonsa' and 'Fulor'.
- J-K :** Line passes simultaneously along the common boundary of villages 'Ghonsa' and 'Fulor' and outer boundary of plot number 2 and meets at , Point 'K'.
- K-L-M :** Line passes through plot number 2 in village 'Fulor' and passes nearby Point 'L' and meets at Point 'M' on common boundary of villages 'Fulor' and 'Rasa'.
- M-E :** Line passes simultaneously along the common boundary of villages 'Fulor' and 'Rasa' and outer boundary of plot number 2 and meets at starting Point 'E'.

**PART - 'C'**

- N-O :** Line starts from Point 'N' in village 'Ghonsa', and passes through village 'Ghonsa' along with the outer boundary of plot numbers 61/2, 61/1, 62, then passes along the Road and meets at Point 'O' on Bank of Vidarbha River.
- O-P-Q :** Line passes simultaneously along the Vidarbha River and outer boundary of plot numbers 63/1, 46, 47, 48, then passes nearby Point 'P' and again passes simultaneously along the Vidarbha River and outer boundary of plot numbers 42/2, 43, 42/1, 41/2-E, 41/2-D, 12/1, and meets at Point 'Q'.
- Q-R-S-T :** Line passes through village 'Ghonsa' and passes nearby Point 'R' and 'S' along with the outer boundary of plot numbers 12/1, 41/1, 40/29, 40/28, 40/27, 40/26, 40/25, 40/24, 40/1, crosses Road, then again passes along the outer boundary of plot numbers 38/1, 37/1, and meets at Point 'T' on common boundary of villages 'Ghonsa' and 'Fulor'.
- T-U-V :** Line passes through village 'Fulor' and passes nearby Point 'U' along the outer boundary of plot numbers 26/1, 26/1A, 26/1B, 26/2, 26/2A, 26/3, 26/4, and meets at Point 'V' on common boundary of villages 'Fulor' and 'Ghonsa'.
- V-N :** Line passes through village 'Ghonsa' along with the outer boundary of plot numbers 56/1, 56/2, 56/2A, 56/2B, 61/1, 61/2, and meets at starting Point 'N'.

[F. No.-43015/16/2009-PRIW-I]

A. K. DAS, Under Secy.

नई दिल्ली, 10 अप्रैल, 2012

**का.आ. 1336.—** केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. ४४९ तारीख 30 मार्च, 2011 द्वारा जो भारत के राजपत्र भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 2 अप्रैल, 2011 को प्रकाशित की गई थी, उस अधिसूचना से सलग अनुसूची में विनिर्दिष्ट भूमि और ऐसी भूमि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की मूलना दो थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उपर्युक्त रिपोर्ट पर विचार करने के पश्चात् और झारखण्ड सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि इससे संलग्न अनुसूची में वर्णित 92.67 हेक्टर (लगभग) या 228.99 एकड़ (लगभग) माप की भूमि और उक्त भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि, अनुसूची में वर्णित 92.67 हेक्टर (लगभग) या 228.99 एकड़ (लगभग) माप वाली भूमि में या उस पर के समस्त अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या ईसीएल/आरजेएमएल/एमओयूजेडए/एनओटीआई/01, तारीख । अगस्त, 2011 का निरीक्षण उपर्युक्त गोड्डा के कार्यालय में या कोयला नियंत्रक का कार्यालय, ।, काउंसिल हाउस स्ट्रीट, कोलकाता (पिन-700 001) के कार्यालय में या निदेशक तकनीकी (प्रचालन), ईस्टर्न कोलफील्ड्स लिमिटेड, सांकेतोडिया, डाकघर-दिसेरगढ़, जिला-वर्द्धमान (पश्चिमी बंगाल) पिन कोड-713 333 के कार्यालय में किया जा सकता है ।

### अनुसूची

#### ललमटिया कोल मार्ईनिंग ब्लाक (चरण-आठ)

#### आना - ललमटिया

#### जिला - गोड्डा (झारखण्ड)

सभी अधिकार :

(रेखांक संख्या ईसीएल/आरजेएमएल/एमओयूजेडए/एनओटीआई/01, तारीख । अगस्त, 2011)

तहसील - ललमटिया

जिला - गोड्डा

क्रम सं.	मौजा/ग्राम का नाम*	ग्राम सं.	पटवारी हलका संख्या/जे.एल नम्बर*	हेक्टेयर में क्षेत्र लगभग	टिप्पणी
1.	ललमटिया	45	45	85.17	भाग
2.	लोहण्डिया बाजार	46	46	7.50	पूर्ण
कुल क्षेत्र					92.67

\*राजस्व अभिलेख के अनुसार ।

कुल क्षेत्र : 92.67 हेक्टर (लगभग)  
या 228.99 एकड़ (लगभग)

अर्जित किए जाने वाले प्लाटों के संख्यांक :-

1. मौजा लोहण्डिया सं. 45 :

प्लॉट सं. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13/843, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23/837, 24, 25, 26, 27, 27/838, 28, 29, 30, 31, 32, 33, 34, 34/839, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 181/844, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230,

231, 233, 235, 246, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 275/840, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 340, 341, 345, 346, 347, 348, 411, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 462, 463, 464, 465, 466, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 666, 667 भा, 668 भा, 669 भा, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699. 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 752, 753 भा, 799 भा.

## 2. मौजा लोहण्डया बाजार सं. 46 :

प्लॉट सं. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 17/244, 17/245, 141/246, 18/247, 72/248, 118/249, 69/250, 69/251, 149/252, 150/253, 151/254.

## सीमा विवरण (ए 1 से ए 7) :

ए1-ए2 यह रेखा मौजा लोहण्डया सं. 45, डकैता मौजा सं. 44 एवं लोहण्डया मौजा सं. 45 के प्लॉट सं. 235 एवं 236 के साझा बिन्दु ए 1 से आरंभ होकर पूर्व अधिसूचित (भारत सरकार के राजपत्र में अधिसूचित सं. का.आ. 784 तारीख 8-3-1995) रेखा बराबर गुजरते हैं अर्थात् लोहण्डया मौजा सं. 45 के प्लॉट सं. 236 के उत्तरी सीमा तथा प्लॉट नं. 234, 232 के पश्चिमी एवं उत्तरी सीमा तथा 245, 233 के उत्तरी सीमा तथा प्लॉट नं. 248 के पश्चिमी एवं उत्तरी सीमा तथा प्लॉट सं. 321, 332, 330, 329, 328, 327, 339 के पश्चिमी सीमा एवं प्लॉट सं. 342 के उत्तरी सीमा तथा प्लॉट सं. 344, 352, 351, 350, 349, 392 के पूर्वी सीमा से होकर लोहण्डया सं. 45 के प्लॉट सं. 348, 392 एवं 397 (सड़क) के संगम बिन्दु ए 2 पर मिलता है जो पूर्व में दो अधिसूचित रेखाएं (भारत सरकार के राजपत्र में अधिसूचित सं. का.आ. 784 तारीख 8-3-1995 एवं का.आ. 1285 तारीख 30-5-2001) के संगम बिन्दु हैं।

ए2-ए3 यह रेखा पूर्व वर्णित बिन्दु ए 2 से आरंभ होकर अधिसूचित रेखा भारत सरकार के राजपत्र में अधिसूचित सं. (का.आ. 1285 तारीख 30-5-2001) बराबर गुजरते हैं, अर्थात् यह रेखा मौजा लोहण्डया सं. 45 के प्लॉट सं. 415, 413 के उत्तरी सीमा तथा प्लॉट सं. 412 के पश्चिमी एवं उत्तरी सीमा तथा प्लॉट सं. 410, 409 के उत्तरी सीमा तथा प्लॉट सं. 408 के पश्चिमी सीमा एवं उत्तरी सीमा तथा प्लॉट सं. 407, 443, 460, 461, 467, 468, 454 के उत्तरी सीमा तथा प्लॉट सं., 800 के पश्चिमी एवं उत्तरी सीमा तथा प्लॉट सं., 801, 811 के उत्तरी सीमा होकर प्लॉट सं. 788 (सड़क) को पार करते हुए प्लॉट सं. 655 के उत्तरी सीमा बराबर जाता है एवं प्लॉट सं. 669, 668, 667 को अतिक्रम करता है। पुनः यह रेखा प्लॉट सं. 665, 663 के उत्तरी सीमा तथा प्लॉट सं. 681, 682, 683 के पश्चिमी सीमा बराबर गुजरते हुए मौजा लोहण्डया सं. 45 के प्लॉट सं. 684, 685, 686 एवं 687 के साझा बिन्दु पर स्थित ए 3 पर मिलता है।

ए3-ए4 यह रेखा पूर्व वर्णित बिन्दु ए 3 से आरंभ होकर पूर्व अधिसूचित रेखा (भारत सरकार के राजपत्र में अधिसूचित सं. का.आ. 1285 तारीख 30-5-2001) बराबर जाता है अर्थात् मौजा लोहण्डया सं. 45 को प्लॉट सं. 754, 755 के उत्तरी सीमा तथा प्लॉट सं. 751 (अंश) के पश्चिमी सीमा तथा प्लॉट सं. 747, 746 के उत्तरी सीमा तथा प्लॉट सं. 732 के उत्तरी एवं पश्चिमी सीमा तथा प्लॉट सं. 733 (अंश) के पश्चिमी सीमा एवं 715 के पश्चिमी सीमा एवं उत्तरी सीमा बराबर गुजरते हुए,

लोहण्डया मौजा सं. 45 एवं बसडीहा मौजा सं. 47 के साझा सीमा बराबर जाता है यानि की पूर्व अधिसूचित रेखा (भारत सरकार के राजपत्र में अधिसूचित सं. का.आ. 1285 तारीख 30-5-2001) के बराबर जाकर मौजा लोहण्डया सं. 45 एवं बसडीहा मौजा सं. 47 के साझा सीमा पर बिन्दु ए 4 को मिलता है।

**ए4-ए5** यह रेखा लोहण्डया मौजा सं. 45 एवं बसडीहा मौजा सं. 47 के साझा सीमा पर बिन्दु ए 4 से आरंभ होकर लोहण्डया मौजा सं. 45 एवं बसडीहा मौजा सं. 47 के साझा सीमा से गुजरते हुए लोहण्डया मौजा सं. 45, बसडीहा मौजा सं. 47 एवं हररखा मौजा सं. 50 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 5 पर मिलता है।

**ए5-ए6** यह रेखा लोहण्डया मौजा सं. 45 एवं बसडीहा मौजा सं. 47 एवं हररखा मौजा सं. 50 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 5 से आरंभ होकर मौजा लोहण्डया सं. 45 एवं हररखा मौजा सं. 50 के साझा सीमा से गुजरते हुए लोहण्डया मौजा सं. 45, हररखा मौजा सं. 50 एवं रानीडीह मौजा सं. 53 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 6 पर मिलता है।

**ए6-ए7** यह रेखा लोहण्डया मौजा सं. 45, हररखा मौजा सं. 50 एवं रानीडीह मौजा सं. 53 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 6 से आरंभ होकर लोहण्डया मौजा सं. 45, एवं रानीडीह मौजा सं. 53 के साझा सीमा से गुजरते हुए लोहण्डया मौजा सं. 45, रानीडीह मौजा सं. 53 एवं डकैता मौजा सं. 44 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 7 पर मिलता है।

**ए7-ए1** यह रेखा मौजा लोहण्डया मौजा सं. 45, रानीडीह मौजा सं. 53 एवं डकैता मौजा सं. 44 के त्रिसंधि स्तभ पर स्थित बिन्दु ए 7 से शुरू होकर लोहण्डया मौजा सं. 45, एवं डकैता मौजा सं. 44 के साझा सीमा से गुजरते हुए लोहण्डया मौजा सं. 45 के प्लॉट सं. 218(सड़क) को पार करता है एवं पुनः प्लॉट सं. 223, 224 के उत्तरी सीमा से गुजरते हुए लोहण्डया मौजा सं. 45 एवं डकैता मौजा सं. 44 के साझा सीमा बराबर जाता है एवं अंतिम में मौजा लोहण्डया सं. 45 एवं डकैता सं. 44 एवं लोहण्डया मौजा के प्लॉट सं. 235 एवं 236 के संगम बिन्दु पर स्थित बिन्दु ए । पर मिलता है, जो कि पूर्वी अधिसूचित रेखा (भारत सरकार के राजपत्र में अधिसूचित सं. का.आ. 784 तारीख 8-3-1995) पर भी स्थित है।

**टिप्पणि :** मौजा लोहण्डया बाजार सं. 46, पूर्णरूपेण मौजा लोहण्डया सं. 45 के अन्तर्गत है।

[फा. सं.-43015/3/2010-पीआरआईडब्ल्यू-I]

ए. के. दास, अवर सचिव

New Delhi, the 10th April, 2012

**S.O. 1336.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 889 dated the 30th March, 2011, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section - 3, Sub-Section (ii) dated the 2nd April, 2011, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands specified in the schedule appended to that notification;**

**And whereas the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;**

**And whereas the Central Government after considering the report, aforesaid and after consulting the Government of Jharkhand, is satisfied that the lands measuring 92.67 hectares (approximately) or 228.99 acres (approximately) and all rights in or over such lands as described in Schedule appended hereto should be acquired.**

**Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that the land measuring 92.67 hectares (approximately) or 228.99 acres (approximately) and all rights in or over such lands as described in schedule are hereby acquired.**

The plan bearing number ECL/RJML/MOUZA/NOTI/01 dated the 1st August, 2011, of the area covered by this notification may be inspected at the Office of the Deputy Commissioner, Godda or at the Office of the Coal Controller, 1, Council House Street, Kolkata (Pin- 700 001) or at the Office of the Director Technical (Operation), Eastern Coalfields Limited, Sanctoria, P.O. Dishergarh, District- Burdwan (West Bengal) Pin Code-713 333.

### SCHEDULE

**Lalmatia Coal Mining Block (Phase VIII)**  
**Thana - Lalmatia**  
**District - Godda (Jharkhand)**

All Rights:

(Plan bearing number ECL/RJML/MOUZA/NOTI/01 dated the 1st August, 2011)

Tahsil- Lalmatia

District- Gooda

Sl. No.	Name of Mouza/ Village*	Village Number	Patwari Halka/JL Number*	Area in hectares (approximately)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	Lalmatia	45	45	85.17	Part
2.	Lohandia Bazar	46	46	7.50	Full
Total area:					92.67

\* As per revenue records.

Total Area: 92.67 hectares (approximately)

or 228.99 acres (approximately)

Plot numbers to be acquired in :—

1. Mouza Lohandia No. 45 :

Plot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13/843, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23/837, 24, 25, 26, 27, 27/838, 28, 29, 30, 31, 32, 33, 34, 34/839, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 181/844, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 246, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 275/840, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 339, 340, 341, 345, 346, 347, 348, 411, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 462, 463, 464, 465, 466, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 666, 667 Part, 668 Part, 669 Part, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 752, 753 Part, 799 Part.

2. Mouza Lohandia Bazar No. 46 :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159.

160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 17/244, 17/245, 141/246, 18/247, 72/248, 118/249, 69/250, 69/251, 149/252, 150/253, 151/254.

**Boundary Description (A 1 to A7) :**

- A1-A2 The line starts from the Point A 1 situated at the common point on the common boundary of Mouza Dakaita No. 44 and Mouza Lohandia No. 45 and Plot Nos. 235 & 236 of Mouza Lohandia No. 45 and runs along the earlier Notification line Notified vide S.O. 784 dated 8-3-1995 in the Gazette of Govt. of India i.e. along Northern boundary of Plot No. 236 and Western & Northern boundaries of Plot Nos. 234, 232 and Northern boundary of Plot Nos. 245, 333 and Western & Northern boundaries of Plot No. 248 and Western boundary of Plot Nos. 321, 332, 330, 329, 328, 327, 339 and Northern boundary of Plot No. 342 and Eastern boundary of Plot Nos. 344, 352, 351, 350, 349 and 392 of Mouza Lohandia No. 45 and meets on the Point A2 situated at the junction of Plot No. 348, 392 and 397 (Road) of the Mouza Lohandia No. 45, which is also the common point of the earlier two Notification line Notified vide S.O. 784 dated 8-3-1995 and S.O. 1285 dated 30-5-2001 in the Gazette of Government of India.
- A2-A3 The line starts from the point A2 described above and runs along the earlier notification line notified vide S.O. 1285 dated 30-5-2001 in the Gazette of Govt. of India i.e. along Northern boundary of Plot Nos. 415, 413 Western & Northern boundaries of Plot No. 412 & Northern boundary of Plot Nos. 410, 409, Western & Northern boundaries of Plot No. 408, Northern boundary of Plot Nos. 407, 443, 460, 461, 467, 468, 454 and Western & Northern boundaries of Plot No. 800, Northern boundary of Plot Nos. 801, 811 and crosses over Plot No. 788 (Road) and again runs along the Northern boundary of Plot No. 655 and crosses over Plot Nos. 669, 668, 667 and runs along Northern boundary of Plot Nos. 665, 663 and Western boundaries of Plot Nos. 681, 682, 683 of Mouza Lohandia No. 45 and meets on the Point A3 situated at the junction of Plot Nos. 684, 685, 686 and 687 of Mozua Lohandia No. 45.
- A3-A4 The line starts from the point A3 described above and runs along the earlier Notification line, notified vide S.O. 1285 dated 30-5-2001 in the Gazette of Govt of India i.e. along northern boundaries of the Plot No. 684, Western and Northern boundaries of Plot No. 758, Northern boundaries 754, 755 and Western boundary of 751 (Part) of Mouza - Lohandia No. 45 and crosses over the Plot No. 751 and runs along the Northern boundary of Plot Nos. 747, 746 and again runs along the Western & Northern boundaries of Plot No. 732, Western boundary of Plot No. 733 (Part), Western & Northern boundaries of Plot No. 715 of Mouza Lohandia No. 45 and again runs along the Common boundary of Mouza Lohandia No. 45 and Mouza Bansdiha No. 47 as well as earlier Notification line vide Notification No. S.O. 1285 dated 30-5-2001 and the line meets on the point A4 situated on the common boundary of Mouza Lohandia No. 45 and Bansdiha No. 47.
- A4-A5 The line starts from the Point A4 situated on the Common boundary of the Mouza Lohandia No. 45 and Mouza Bansdiha No. 47 and runs along the Common boundary of the Mouza Lohandia No. 45 and Mouza Bansdiha No. 47 and meets on the Point A5 situated on the tri-junction pillar of the Mouza Lohandia No. 45, Bansdiha No. 47 and Harrakha No. 50.
- A5-A6 The line starts from the point A5 situated at the tri-junction pillar of the Mouza - Lohandia No. 45, Bansdiha No. 47 and Harrakha No. 50 and runs along the Common boundary of the Mouza -Lohandia No. 45 and Harrakha No. 50 and meets on the Point A6 situated on the tri-junction pillar of the Mouza Lohandia No. 45, Harrakha No. 50 and Ranidih No. 53.
- A6 - A7 The line starts from the Point A6 situated on the tri-junction Pillar of the Mouza Lohandia No. 45, Harrakha No. 50 and Ranidih No. 53 and runs along the common boundary of Mouza Lohandia No. 45 and Ranidih No. 53 and meets on the point A7 situated on the tri-junction pillar of the Mouza Lohandia No. 45, Ranidih No. 53 and Dakaita Nc. 44.
- A7 - A1 The line starts from the Point A7 situated on the tri-junction pillar of the Mouza - Lohandia No. 45, Ranidih No. 53 and Dakaita No. 44 and runs along the common boundary of the Mouza Lohandia No. 45 and Dakaita No. 44 and crosses over the Plot No. 218 (Road) of Mouza Lohandia No. 45 and runs along the Northern boundaries of the Plot Nos. 223, 224 and again runs along the common boundary of the Mouza Lohandia No. 45 and Dakaita No. 44 and eventually meets on Point A 1 situated and the common point on common boundary of Mouza Lohandia No. 45 , Dakaita No. 44 and Plot Nos. 235 and 236 of Mouza Lohandia No. 45 and the Point is also situated on the earlier Notification line vide Notification No. 784 dated 8-3-1995 in the Gazette of India.

NOTE:— Mouza Lohandia Bazaar No. 46 is fully within the Mouza Lohandia No. 45.

अग्र एवं रोजगार मंत्रालय

नई दिल्ली, 14 मार्च, 2012

**का.आ. 1337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स तमिलनाडू मेनेसाइट लिमिटेड, सलैम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैनई के पंचाट (संदर्भ संख्या 78/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-2012 को प्राप्त हुआ था।**

[सं. एल-27012/1/2009-आईआर (एम)]

जोहन तोपनो, अवर सचिव

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 14th March, 2012

**S.O. 1337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 78/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Tamil Nadu Magnesite Ltd. (Salem) and their workmen, which was received by the Central Government on 12-3-2012.**

[No. L-27012/1/2009-IR (M)]

JOHAN TOPNO, Under Secy.

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 10th February, 2012

Present: A. N. JANARDANAN, Presiding Officer

### Industrial Dispute No. 78/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Tamil Nadu Magnesite Ltd. and their Workmen)

### BETWEEN

The General Secretary : 1 Party/Petitioner Union

Pattali thozhil Sangam

Arabic College Building

Vellakalpatti Post

Salem-12

Vs.

The Manager : 2nd Party/Respondent

Tamil Nadu Magnesite Ltd.

5/53, Omalur Main Road

Jagir Ammapalayam

Salem-636302

### Appearance :

For the 1st party/Petitioner : M/s G. Purushothaman,  
Advocate

For the 2nd Party/Management : Sri M. R. Raghavan,  
Advocate

### AWARD

The Central Government, Ministry of Labour vide its Order No. L-27012/1/2009-IR(M) dated 21-8-2009 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of TANMAG in not promoting Shri P. Meghanathan to the post of Supervisor is justified? To what relief the workman is entitled ?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 78/2009. Pursuant to notice under 'RPAD', both sides entered appearance through their advocates and petitioner filed Claim Statement. Thereafter in spite of several adjournments the case stood not represented on behalf of the Respondent. No Counter Statement was also filed. Eventually the Respondent was called absent and set ex-parte. An ex-parte award was then passed.

3. At the instance of the Respondent/Petitioner the ex-parte award was sought to be set aside and as per order dated 02-08-2010 on IA 29 and 30/2010 this Tribunal in allowing the petition set aside the ex-parte award on payment of cost of Rs. 1,000 to the Respondent (Original Petitioner) which was complied with and accordingly ex-parte award was set aside. Thereafter I.D. was restored to file. Respondent filed Counter Statement.

4. In the Claim Statement, in a nutshell the contentions raised are as follows:

The workman Meghanathan, T.No. 60 was appointed as Electrician Skilled-III under the Respondent on 4-8-1986 and posted in the Rotary Kiln Division (RKD) who secured Competency Certificate in Electrical Supervision in 1993 and "C License" in 1994 and who stood later promoted as Skilled-II and Skilled-III. He was not promoted to the post of Electrical Supervisor which post was kept vacant for many years for no reasons. There was one post of Supervisor being retirement vacancy and another newly created against which N. Villavan and Vairamani were promoted. The posts of Electrical Supervisor were not classified between Rotary Kiln and Shaft Kiln Divisions (SKD). The work in both was the same. To promote Vairamani the post was classified as one for Rotary Kiln and another for Shaft Kiln Division which is illegal. While Villavan was given promotion on the basis of date of seniority, Vairamani, junior to Meghanathan was promoted

ignoring his seniority reckoned as criterion for promotion. Hence his promotion is illegal. Though the workman had acquired Competency Certificate in Electrical Supervisor prior to them, he was not at all considered for promotion for reasons best known to them. Panel of promotion was displayed on the Notice Board only for 2 days denying opportunity to him to challenge non-inclusion of his name which is against the principles of natural justice. Dispute arose since the Management was not responsive to the issue raised. Hence the Respondent is to be directed to promote the workman.

5. The averments in the Counter Statement briefly read as follows:

The workman presently employed as Electrician Grade-I is one of the five Electricians in the feeder category to the post of Supervisor. He is working in the Rotary Kiln Division, as the third in the ordinal numeral in seniority, next to Thiru N. Villavan and Thiru A. Mohanasundaram, both of whom joined service respectively on 18-03-1985 and 17.10.1985. The seniority of these employees was fixed based on their entry in the feeder category and the date of their acquiring the qualifying certificate. Thiru P. Meghanathan did not object to the seniority list when it was drafted. For filling vacancy for the post of Supervisor (Electrical) at Rotary Kiln Division qualification prescribed is ITI (Electrical) with Electrical Supervisory Competency Certificate. Thiru N. Villavan and Thiru A. Mohanasundaram were included in the panel in the order of seniority published on 15-2-2007 to which no objection was raised by anyone. On the recommendation of DPC Thiru N. Villavan was selected and appointed as Supervisor (Electrical) at Rotary Kiln Division on 16/21-2-2007. Thiru Vairamani, in Grade-I who had joined service on 2-5-1987 was in feeder category of Electrician (SKD). Vairamani is not in RKD with Thiru P. Meghanathan. The electricians were classified between Rotary Kiln and Shaft Kiln Divisions, which classification has been in vogue for a considerable time without being challenged. Challenge against the classification as illegal and violative of natural justice is not correct and is denied. That Vairamani was promoted flouting date of seniority said to be the criterion for promotion is unsustainable. It is misconceived to contend that P. Meghanathan was denied promotion omitting his name in the panel without giving a reasonable opportunity. Promotion is in accordance with law. Thiru Vairamani being in Shaft Kiln would not compete with Thiru Meghanathan. Promotion of Villavan is not illegal. Classification of Electricians was not made to allow backdoor entry as mentioned in Ground -E is not correct. Denial of promotion to Thiru P. Meghanathan is not illegal or unjustified. Dispute is not sustainable in law in the absence of valid espousal of the cause by the Union. Persons who would be affected by the decision that would be passed by the Tribunal have not been impleaded as parties and the dispute is bad for non-joinder of necessary

parties. The dispute is to be dismissed as being not maintainable in law as well as unsustainable on facts with costs.

#### 6. Points for consideration are:

(i) Whether the action in not promoting Sri P. Meghanathan to the post of Supervisor is justified?

(ii) To what relief the concerned workman is entitled?

7. Evidence consists of testimony of WW1 and Ex. W1 to Ex.W14 on the petitioner's side and the testimony of MW1 and Ex. M1 to Ex.M16 on the respondent's side.

#### Points (i) & (iii)

8. Heard petitioner's counsel, perused the records, documents evidence and the written arguments on behalf of the Respondent. The conspicuous arguments on behalf of the petitioner are that there was no classification of the Electricians into Rotary Kiln and Shaft Kiln Divisions originally which had its debut only later. Vairamani, Petitioner's junior was promoted in disregard of petitioner's seniority in the Rotary Kiln Division. There are no separate Service Rules for each division. The post of Electricians has to be maintained in common as hitherto maintained. It was to accommodate Vairamani, junior of the workman that the former was promoted simply alleging that there are two divisions with separate identity without any sound edifice in rules or service conditions, standing order or regulations for such classification to that score. The crucial post is Electrician.

9. The contra arguments are that dispute is not validly espoused in accordance with law. It is not proved that the cause is supported by substantial number of workman or that the Union has been authorized. Non-joinder of the necessary parties, who might be affected by a decision, is fatal to the petitioner since the affected persons are not being heard. This is axiomatic in law. There was no objection to the seniority list published on 15-02-2007. The promotion has not been challenged. The workman being junior cannot now seek promotion in defiance of the procedure. There has been separate seniority lists for the two divisions and has been in vogue for a long time. The practice remained unchallenged. Recruitment is made separately to the two divisions. The classification cannot be assailed as arbitrary. Ex.M3 to Ex.M16 vouchsafe the stand of the Management. The demand of the Union is not valid. Petitioner is not entitled to any relief on law or on facts. The claim is to be dismissed.

10. On a scrutiny of the entire facts and circumstances based on the materials available I am persuaded to hold that the case of the Respondent/Management is not apt to be true. Contra to the arguments advanced on behalf of the Respondent what appears is that the case of the Petitioner Union is eminently and conspicuously true. Though there is non-implemental of

necessary parties to the dispute in the event of a decision being made in favour of the petitioner, for the mere fact of that the dispute is not to be dismissed. The technical rules of Evidence Act or CPC are not much applicable in Industrial adjudication. They are at best tools of guidance for application when there is challenge against the proposition or otherwise. The non-impleadment of an apparently necessary party may not be invariably fatal in every case. When a situation advantageous to such apparently necessary party and disadvantageous to the complainant party and what is being arraigned might have been brought about at the connivance or for the benefit of such necessary party, his non-impleadment as a party in the proceeding on hand cannot be comprehended as any defect in the frame of the claim or relief prayed for. So viewed, the affected persons cannot be held to be necessary parties, whose absence in the party array may render the claim bad for non-joinder of necessary parties. It is not substantiated that the Petitioner Union has no locus standi to espouse the dispute. What could be gathered from the documents produced on behalf of the Respondent, contrary to the arguments advanced is that it is the case of the petitioner which is eminently true and not that of the Respondent. The petitioner and his counterparts in the post of Electrician got appointed to the Electrician post without any qualification attached to them by way of division-designata that each and each of them bears appointment to a particular division viz. Rotary Kiln or Shaft Kiln between the two classifications seem to have been made by the Management, without any details as to how, why or from which date or on what nexus such a classification came into being for the first time. On this aspect the testimony available from the part of the Management is not at all convincing or reliable. To very many pertinent and vital questions the answer of MW1, a responsible Officer of the Management is either that he is not aware of the fact or situation or that he has to check up. There is also inconsistency writ large in the version regarding the same fact as to the antiquity of the formation of the new division viz. RKD by way of a classification, the second in the ordinal numeral with reference to any division viz. nil prior to that. At the time of the promotion made to RKD to the post of Supervisor whereby Vairamani was promoted, there seems to have emerged a panel for the first time showing the name to be promoted viz. Vairamani, whose promotion is impugned herein, as the only eligible person for promotion in the panel though the workman Meghanathan stood senior to him with reference to date of appointment to the post of Electrician as a common cadre and at which time there was no distinct classification into SKD or RKD. When according to MW1 the said classification has been in vogue for the last 20 years, it does not stand substantiated by any reliable evidence. When according to MW1 the post of Supervisor in "RKD" division was created only in the year 2007/2008 his further version is that based on requirement management might

have published the panel for RKD division. It is not known what the requirement might be? He also does not know any approval having been received from Unions for maintaining separate RKD, SKD promotion rules contrary to service conditions. The evidence of MW1 is too inapt to be relied upon to advance the case of the Respondent. The panels based on which the promotions have been given to the different workman to the exclusion of the concerned workman, Meghanathan are apt to be regarded as self-serving documents created by the DPC or whoever concerned, to show some favours to those promotees to the prejudice, detriment and agony of the concerned workman. There being only the crucial and common post of Electrician with common qualification it is especially for the Management to prove as to what was the occasion and necessity for the formation of the two divisions, when was the division actually made, what was the rational nexus for the classification to exclude arbitrariness from its part, etc. which has not been done. When two persons or two classes of persons who stood treated alike till a given period of time and when thereafter one among them is abruptly given a treatment on a higher pedestal to the disadvantage of the other, the same should be attendant with reasonable explanation thereto, which is wanting on the part of the Management. The action of the Management is also against constitutional guarantee of equality envisaged under Article-14 as to equals being treated equally. An element of arbitrary and partisan approach is patently felt and is apparent on the face of the record and in scenario in the process of the preparation of the panel as well as in the decision taken by the DPC or the concerned to order the promotion to the exclusion of the concerned workman. It is not disputed that the concerned workman is senior to Vairamani. Evidently, Meghanathan acquired the educational qualification much earlier than the promotee viz. Vairamani. Why Vairamani has been preferred to the workman Meghanathan, remains not at all explained to confer promotion to the former in preference to the latter? Some malafides appear to exist in the action in which promotion is denied to the concerned workman. There need be the least hesitation to hold that the promotion given to Vairamani in precedence to the concerned workman, P. Meghanathan is illegal and not justified. Therefore he is entitled to be promoted after reverting Vairamani and the Management is directed to do so forthwith, at any rate within 15 days from the date of publication of the award in the Gazette of India, unless they are prepared to do it in the meantime.

11. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 10 February, 2012)

A. N. JANARDANAN, Presiding Officer

#### **Witness Examined :**

For the 1st Party/Petitioner : WW1, Sri P. Meghanathan

For the 2nd Party/Management : MW Sri P. Gowdhaman

**Documents Marked:—****Documents Marked Form the petitioner's side**

Ex. No.	Date	Description
Ex.W1	30-6-1981	SSLC Certificate
Ex.W2	7-1-1983	National Trade Certificate
Ex.W3	29-12-1985	Apprenticeship Training Certificate
Ex.W4	6-8-1987	Appointment Order
Ex.W5	3-2-1995	Letter of Meghanathan to Respondent Management with enclosures of Electrical License
Ex.W6	8-6-1998	Promoted as Skilled Grade-II
Ex.W7	7-4-2006	Promoted as Skilled Grade-I
Ex.W8	2/2007	Representation of Union to Respondent
Ex.W9	23-2-2007	Letter of Union to Respondent
Ex.W10	5-3-2007	Dispute raised before Assistant Commissioner of Labour (Central)
Ex.W11	5-7-2007	Reply by the Respondent
Ex.W12	26-3-2008	Rejoinder of Petitioner's Union
Ex.W13	21-8-2009	Reference
Ex.W14	16-10-2007	List of Authorised Persons

**From the Management side:**

Ex. No.	Date	Description
Ex. M1	8/11-3-1985	Appointment of Sri Villavan
Ex. M2	18.3-1985	Joining report of Sri N. Villavan
Ex. M3	14-2-2007	Feeder category of Electrician (RKD)
Ex. M4	14-2-2007	Minutes of DPC
Ex. M5	15-2-2007	Panel of Candidates for promotion
Ex. M6	7-10-1985	Appointment of Sri A. Mohanasundaram
Ex. M7	17-10-1985	Joining report of Sri A. Mohanasundaram
Ex. M8	24/25-7-1986	Appointment of Sri Meghanathan
Ex. M9	4-8-1986	Joining report of Sri Meghanathan
Ex. M10	8-6-1998	Appointment of Sri Meghanathan in Skilled-II
Ex. M11	7-4-2006	Appointment of Sri Meghanathan in Grade-I
Ex. M12	15-4-1987	Appointment of Sri J. Vairamani
Ex. M13	6-5-1987	Joining report of Sri J. Vairamani
Ex. M14	14-2-2007	Department Promotion Committee Minutes
Ex. M15	14-2-2007	Workmen in feeder category (SKD)
Ex. M16	15-2-2007	Panel of candidates for the promotion (SKD)

नई दिल्ली, 14 मार्च, 2012

**का.आ. 1338.—ऑड्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एन एम डी सी लिमिटेड, डायमंड माइनिंग प्रोजेक्ट, पन्ना के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑड्योगिक विवाद में केन्द्रीय सरकार ऑड्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 5/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-2012 को प्राप्त हुआ था।**

[सं. एल-43012/11/95-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th March, 2012

**S.O. 1338.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/96) of the Central Government Industrial Tribunal-/Labour Court, Jabalpur, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. N M D C Ltd., Diamond Mining Project (Panna) and their workman, which was received by the Central Government on 9-3-2012.

[No. L-43012/11/95-IR (M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/5/96**

Presiding Officer: SHRI MOHD. SHAKIR HASAN  
General Secretary,  
Rashtriya Heera Khan Mazdoor Sangh (INTUC),  
NMDC Ltd. Mazgawa Diamond Mines,  
Panna (MP)

... Workman/

Union

Versus

General Manager,  
NMDC Ltd.,  
Diamond Mining Project,  
Panna (MP)

... Management

**AWARD**

Passed on this 10th day of February 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-43012/11/95-IR (Misc.) dated 27-12-1995 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of N.M.D.C. Ltd., Panna in not agreeing to the request of Shri Kantilal to change his date of birth is justified ? If not, to what relief the workman is entitled ?”

2. The case of the Union/workman in short is that the workman Shri Kantilal was initially appointed as Mail Mazdoor on 27-6-70 and his age was recorded in Form B as 27 years. Therefore he was entitled to reach the age of superannuation in June 2001. The management had not shown the age as well as the date entered into the service record. A settlement was arrived on 1-9-82 between the management and the Union to show the date of birth of the employees recorded in the service records. The name of the workman stood at Sl. No. 692 and the date of entry into the service was shown as 27-6-70. The management again issued seniority list on 5-6-90 wherein the date of birth was changed and his name was shown in Sl. No. 134 and date of birth was 22-11-37. As such he was made to retire on 22-11-95. It is stated that the date of birth could not be changed in the back without giving opportunity to the workman which is against the principle of natural justice. The matter could have been examined by the Medical Board. Under the circumstances, the action of the management is not justified in changing the date of birth of the workman and the workman be reinstated with all consequential benefits.

3. The management appeared and contested the reference by filing Written Statement. The case of the

management, interalia, is that the workman was engaged as daily rated mazdoor on 27-6-70 and was confirmed from the above date. He was asked to submit document in support of age time and again but no document was produced by him. The workman is said to have submitted declaration form as on 2-11-82 in which he declared his age as 35 years on that date. At the request of the employees, he was examined by the Medical Officer of the project along with other workers. Who declared his age as 45 years as on 21-12-1982. His age was accordingly calculated and fixed as 22-11-37. This was communicated to the workman on 19-4-83. The workman accepted the date of birth and not raised any objection. It is stated that the workman had declared his age as 29 years as on 27-6-1970 and subsequently he submitted his declaration on 2-11-82 disclosing his age as 35 years. He was directed to submit proof of his age as 35 years. He was directed to submit proof of his age but he failed to file any document in proof of his age. Thereafter his age was recorded in the service book on the basis of the declaration of the Medical Officer. He declared himself as illiterate and had never studied in any school. It is submitted that the action of the management is justified and the reference be answered in favour of the management.

4. On the basis of the pleadings of both the parties, the following issues are framed—

- I. Whether the action of the management in not agreeing to change his date of birth is justified ?
- II. To what relief the workman is entitled ?

#### 5. Issue No. I :

To prove the case, the workman has adduced his evidence and has filed photocopies of the document. The workman has stated that the management had asked to submit document in support of his age. He had submitted school certificate in the year 1983 which he had obtained in the same year. The workman has filed photocopy of transfer certificate of school which appears to have been issued on 15-5-95. This certificate cannot be submitted in 1983 when it was issued in 1995. This itself shows that it is not a genuine document and the contention of the workman cannot be accepted. Moreover the said certificate appears to have been obtained when he reached the year of superannuation.

6. On the other hand, the management has also adduced oral evidence. The management has also filed photocopies of documents. The management witness Shri Pradeep Saxena is working as Dy. Manager (Personnel) at Panna Diamond Mining Project, Panna. He has supported the case of the management. He has stated that the workman filed attestation form in which he declared that he is quite illiterate person. Thus the certificate produced by the workman is forged and fabricated. He has further stated that at his request, he was examined by the doctor who assessed his age as 45 years on 21-12-82.

Accordingly his date of birth was fixed. The photocopy of the said Medical Certificate is filed which is Paper No. 10/20 and it corroborates the evidence of the management witness. Thus it appears that he was examined by the Medical Officer at his instance to determine the age. I find that in absence of any other reliable evidence, it appears that the age determined by the doctor is deemed to be correct. This issue is decided against the workman and in favour of the management.

#### 7. Issue No. II

On the basis of the discussion made above, it is clear that the workman is not entitled to any relief. The reference is accordingly answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 14 मार्च, 2012

**का.आ. 1339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार मैसर्स मुम्बई पोर्ट ट्रस्ट, मुम्बई के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई 2 के पंचाट (संदर्भ संख्या 26/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-2012 को प्राप्त हुआ था।**

[सं. एल-31011/23/2000-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th March, 2012

**S.O. 1339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2001) of the Central Government Industrial Tribunal/Labour Court, Mumbai-2, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Mumbai Port Trust, Mumbai and their workman, which was received by the Central Government on 9-3-2012.**

[No. L-31011/23/2000-IR (M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

Reference No. CGIT -2/26 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT  
OF MUMBAI PORT TRUST

The Chairman  
Mumbai Port Trust,  
Ballard Estate,  
Mumbai-400 038.

**AND**  
**THEIR WORKMEN.**

The Secretary  
Transport and Dock Workers Union  
P.D'mello Bhawan,  
P. D'mello Road,  
Carnac Bunder,  
Mumbai-400 038.

**APPEARANCES:**

For the Employer : Mr. Umesh Nabar, Advocate.  
For the Workmen : Mr. A.M. Koyande, Advocate.

Mumbai, dated the 10th January, 2012

**AWARD PART-II**

The Government of India, Ministry of Labour & Employment by its Order No. L-31011/23/2000-IR(M), dated 2-2-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Mumbai Port Trust, Mumbai in terminating the service of Shri Jaiprakash Singh, Clerk (OBL) by way of removal from service w.e.f. 29-06-1999 is legal and justified? If not, what relief the workman is entitled to?”

2. The workman was chargesheeted for unauthorized absence for 558 days during the period 13-1-1994 to 10-10-1996. The inquiry officer was appointed. He conducted the inquiry and gave finding that the second party workman was guilty. He sent his report to the management. Management gave hearing to the workman. After considering the report and findings of inquiry officer and the say of the workman, the management terminated the services of the workman. His appeal was also turned down. Therefore workman raised industrial dispute before ALC (C). As the matter could not be settled, ALC submitted his report to the Ministry of Labour & Employment. On his report, Labour Ministry sent the reference to this Tribunal. My Ld. Predecessor has framed issues at Ex-13 and issues nos. 1 & 2 were treated as preliminary issues. My Ld. Predecessor in Award Part-I decided the preliminary issues nos. 1 & 2. He held that the inquiry was as per the principles of natural justice. He also held that the findings of inquiry officer are not perverse. Thereafter both the parties were directed to remain present for hearing on the point of punishment.

3. In this Part-II Award, following are the remaining issues for my determination. I record my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
3.	Whether the action of management of Mumbai Port Trust, Mumbai in terminating the services of Shri Jaiprakash Singh, Clerk (OBL) by way of removal from service w.e.f. 19-6-1999 is legal and justified?	Yes.
4.	What relief the workman is entitled to?	No relief.

**REASONS**

**Issues nos. 3 & 4**

4. In Part-I Award, the inquiry is held fair and proper and the findings of the inquiry officer are also held not perverse. Now the only point for my determination is whether the action of termination of services of the second party is shockingly disproportionate or needs any interference therein. In this respect the Ld. Adv. for the second party submitted that the workman could not attend his duties due to mental health of his wife and illness of his family members. He submitted that in the circumstances, the management ought to have taken lenient view and instead of terminating his services, some lesser punishment of withholding increments etc. would have sufficed the purpose. In this respect the Ld. advocate for the first party submitted that the workman was absent for 558 days. Neither he obtained permission, nor gave any intimation to the concerned officer. He was not only absent for a long period, but was also negligent and careless as he did not inform the officer concerned. The charge of long absenteeism was proved against the second party workman. Therefore, the Ld. advocate for the first party submitted that such a workman deserves to be dismissed and the punishment cannot be called shockingly disproportionate. In support of his argument, the Ld. advocate resorted to Apex Court ruling in L & T Komatsu Ltd. V/s. N. Udaykumar 2008 ICLR 978 wherein the Hon'ble Court on the point of habitual absenteeism observed that;

“It is well established that habitual absenteeism is gross violation of discipline.”

The Hon'ble Court further observed that :

“When the factual background is considered in the light of principles indicated, the inevitable conclusion is that the Labour Court and the High Court were not justified in directing reinstatement by interference with the order of termination. The orders are accordingly set aside. The order of termination as passed by the concerned authority stands restored.”

5. The Ld. advocate also resorted to another Apex Court ruling in State of Rajasthan and Anr. V/s. Mohd. Ayub Naz 2006 ICLR 401 wherein the workman was absent for two years. The Hon'ble Court in this case held that removal from service was not disproportionate. The

Hon'ble Court set aside the order of reinstatement and restored the order of removal from service.

6. The Ld. advocate also resorted to few more rulings. However it is not necessary to discuss all. The principle laid down by the Apex Court is well settled that habitual absenteeism or long absent from service is a gross misconduct and termination of services cannot be said shockingly disproportionate. In this backdrop, I come to the conclusion that the punishment awarded by the management cannot be said shockingly disproportionate. Thus I hold that the action of management in terminating the services of the workman is legal and justified. Accordingly, I decide this issue No. 3 in the affirmative. Consequently I hold that the workman is not entitled to any relief. Thus I decide this issue No. 4 in the negative and proceed to pass the following order:

#### ORDER

The reference stands dismissed with no order as to cost.

Date: 10-1-2012.

K. B. KATAKE, Presiding Officer

नई दिल्ली, 15 मार्च, 2012

**का.आ. 1340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/61/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।**

[सं. एल-12012/142/1992-आई आर (बी-II)]

शोश राम, अनुभाग अधिकारी

New Delhi, the 15th March, 2012

**S.O. 1340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/61/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 27-2-2012.**

[No. L-12012/142/1992-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE C

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, GIT-CUM-LABOUR COURT,  
NAGPUR**

Case No.CGIT/NGP/61/2003

Date: 25-1-2012

Party No. 1 : The Divisional Manager,  
UCO Bank, Divisional Office,  
108, Sushil Bhawan, Balraj Marg,  
Dhantoli, Nagpur-440012

#### Versus

Party No. 2 : The General Secretary, UCO Bank  
Employees Association,  
At. "Kanchan Prabha",  
48, Tatya Tope Nagar,  
Nagpur-440015.

#### AWARD

(Dated : 25th January, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of UCO Bank and their workman Shri N.M. Maheshwari, to Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, for adjudication, as per letter No.L-12012/142/92-IR (B-II), dated 18-9-1992, with the following schedule:—

"Whether the action of the management by effecting recovery of functional allowance paid to him from 18-11-89 to 31-5-90 from Shri N.M. Maheshwari, Clerk, UCO Bank, Sitabuldi, Nagpur. If not, what relief he is entitled for?"

Subsequently, the case is transferred to this Tribunal for adjudication as per law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri N.M. Maheshwari filed his statement of claim through the union "UCO Bank Employees Association" and the management of the UCO Bank ("Party No.1" in short) filed its written statement.

In the statement of claim prayer was made to declare that the workman is entitled to get the refund of Rs. 2571.50 which was recovered by the bank and also to declare that the workman is entitled to be appointed as special assistant at Sitabuldi, Nagpur Branch.

The party no. 1 denied the allegations made in the statement of claim by filing written statement and claimed that the workman is not entitled for any relief.

4. In view of the schedule of reference and in view of the settled principles, the Tribunal is not empowered to consider any other issue raised by the petitioner except the issue mentioned in the schedule regarding recovery of functional allowance by the party no.1 from the workman.

5. It is necessary to mention here that the reference was fixed to 7-5-2012 for passing of awards. However, the record was advanced to today i.e. 25-1-2012 as the workman filed an application supported with affidavit to drop the reference on the ground that he is not interested in pursuing the reference. Heard the advocate for the party no.1 and the workman in regard to the petition.

6. Perused the record. It is clear from the evidence of the witness examined on behalf of the management and so also the admission of the workman himself that the functional allowance recovered from the workman for the period from 18-11-1989 to 31-5-1990 amounting to Rs. 571.50 was already paid to the workman. So, there exists no dispute between the parties, in view of the terms of reference already mentioned above. In view of the application filed by the workman and the facts mentioned above, it is necessary to pass a "No Dispute Award" in this case. Hence, it is ordered:—

#### ORDER

A "No Dispute Award" is passed. The workman is not entitled to any relief. The application filed by the workman dated 25-1-2012 be made part of the award.

J. P. CHAND, Presiding Officer

नई दिल्ली, 15 मार्च, 2012

**का.आ. 1341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/119/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-2012 को प्राप्त हुआ था।**

[सं. एल-12012/389/1995-आई आर (बो-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 15th March, 2012

**S.O. 1341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/119/96) of the Central Government Industrial Tribunal/ Labour Court, Jabalpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 14-2-2012.**

[No. L-12012/389/1995-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/119/96

PRESIDING OFFICER: Shri Mohd. Shakir Hasan  
Shri S.K.Dubey,  
C/o Bank of India,  
Baiora, Distt. Rajgarh (MP)

...Workman

#### Versus

Regional Manager,  
Bank of India,  
Regional Office, Nirmal Road,  
AG Office Road,  
Gwalior (MP)

...Management

#### AWARD

Passed on this 9th day of February, 2012

1. The Government of India, Ministry of Labour vide its Notification No.L-12012/389/95-IR(B-II), dated 16-4-96 has referred the following dispute for adjudication by this tribunal :-

"Whether the action of the management of Bank of India, Gwalior in terminating the services of Shri Jagdishlal Jatav, sub-staff w.e.f. 17-11-1993 is legal and justified? If not, to what relief is the said workman entitled?"

2. The case of the workman, in short, is that he was appointed as full time peon by the management Bank at Karanwas Branch on 23-9-91 and worked without break till 17-11-1993. He was deemed to be probationer in terms of classification of employers. It is stated that he was abruptly terminated w.e.f. 17-11-93 without any notice and without any retrenchment benefits and the provision of Section 25F of the Industrial Disputes Act, 1947 (in short the Act, 1947) was violated. The principle of "Last come first go" was not followed. After termination of the workman, the Bank appointed one Shri Ashok Sahu in violation of the provision of Section 25G and 25 H of the Act, 1947. It is submitted that the workman be reinstated with back wages and other consequential benefits and also costs of the suit.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, inter alia, is that the alleged workman was never appointed as peon at Karanwas Branch. He was employed as casual labour against leave vacancy of permanent staff on reimbursement basis. He had never completed 240 days of service. The definition of classification does not apply to him. There is no violation

of the provision of the Act, 1947. It is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are for adjudication—

- I. Whether the action of the management in terminating the services of Shri Jagdish Lal Jatav w.e.f. 17-11-1993 is legal and justified?
- II. To what relief the workman is entitled?

#### 5. Issue No. I

The workman has examined only oral evidence in support of his case. The workman Shri Jagdish Lal Jatav is only examined in the case. He has stated that he was employed as full time peon-cum-daftri at Karanwas Branch of the Bank but in cross-examination he has contradicted his evidence and has stated that he was daily wages employee. He did not receive any appointment letter nor his candidature was referred by the Employment Exchange. He did not sign on Attendance Register. This clearly shows that he was engaged by the Bank only on exigency. He has stated at Para 4 about the days he had worked. He had not stated any number of days he worked in the month of Sept. 93 to Nov. 93. It appears that he worked only 167 days from December 1992 to November 1993 as has been given in his evidence at para 4. This shows that his service shall not be deemed to be in continuous service for a period of one year during twelve calendar months preceding the date with reference under the provision of Section 25B of the Act, 1947. This shows that there is no violation of the provision of Section 25 F of the Act, 1947. He has not adduced any evidence that the management had proposed to employ any other person. As such it is evident that there is no violation of the provision of Section 25H and 25 G of the Act, 1947.

6. The management has examined Shri Ramesh M. Savle who is working as Sr. Manager in the management Bank. He has supported the case of the management. He has stated that he was engaged as a casual labour. He had never worked for 240 days in a calendar year. The workman has not cross-examined this witness and he has been discharged. His evidence is unrebutted. His evidence also supports that the workman was engaged as casual labour. His evidence also shows that there is no violation of the provision of the Act, 1947. This issue is, thus, decided in favour of the management and against the workman.

#### 7. Issue No. II

On the basis of the discussion made above, it is clear that the action of the management was justified for not engaging him further in the service of the Bank and the workman is not entitled to any relief. The reference is accordingly answered.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer  
नई दिल्ली, 15 मार्च, 2012

का.आ. 1342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जरनल मैनेजर एच. आर. एण्ड अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 43/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-3-2012 को प्राप्त हुआ था।

[ सं. एल-40012/81/2009-आई आर (डीयू) ]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2012

S.O. 1342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of The General Manager-HR, & Others and their workman, which was received by the Central Government on 15-3-2012.

[No. L-40012/81/2009-IR(DU)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 20th day of January, 2012

INDUSTRIAL DISPUTE No. 43/2009

Between :

Smt. Sangadi China Dhanalakshmi,  
W/o Sri Dharma Rao,  
Gadimoga, Tallarevu (M),  
E.G District.

....Petitioner

AND

1. Sri M. Nagi Reddy,  
General Manager- HR,  
M/s. Reliance Industries Limited,  
Pmsjprre Terminal, Gadimoga,  
Tallarevu(M), E.G. District.
2. M/s. J.B. Security & House keeping  
Services, 20-3/11, Siva Jyothi Nagar,  
Tirupathi.

....Respondents

**APPEARANCES:**

For the Petitioner : Mrs. Ch. N. Aruna Kumari,  
Advocate

For the Respondent : Sri D. Seshadri Naidu, Advocate  
for RI

M/s. M. Subramanya Sastry  
& A. Vara prasad, Advocates  
for R2

**AWARD**

The Government of India, Ministry of Labour by its order No. L-40012/81/2009-IR(DU) dated 30-10-2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. J.B. Security and House Keeping Services, a contractor of M/s. Reliance Industries Ltd., and their workman. The reference is.

**SCHEDULE**

**"Whether the action of the management of M/s. J.B. Security and House Keeping Services, a contractor of M/s. Reliance Industries Ltd., in terminating the services of Mrs. Sangadi China Dhanalakshmi w.e.f. 31-12-2008 is legal and justified? If not, what relief the workman is entitled to?"**

The reference is numbered in this Tribunal as I.D. No.43/2009 and notices were issued to the parties.

2. Petitioner has filed claim statement stating therein that she was appointed as lady security on 20-8-2007. She was asked not to come from 31-12-2008 without any reason by the Reliance Security Manager Mr. T.N. Rao. She was removed from service illegally and violating principles of natural justice as such, she is entitled for reinstatement with back wages.

3. Respondent management filed counter statement stating therein that RI has entrusted certain job works like security, housekeeping, cleaning/sweeping etc., to contractors. Respondent No.2 was entrusted with the project of security, housekeeping, cleaning/sweeping etc.. Respondent No.2 after conducting interview etc., appointed the Petitioner as lady security on 13-8-2007 for frisking the bodies of the women employees in the project site of the 1st Respondent and she was also informed that the services of the Petitioner will be discontinued as soon as the project is completed. As the project has come to an end during November, 2008, upon instructions of Respondent No.1 to reduce manpower, women security guards were disengaged by Respondent No.2, due to the same reason, services of the Petitioner were disengaged by Respondent No.2 w.e.f. 1-1-2009. She was paid all dues as such Petitioner is not entitled for any relief.

4. Case is fixed for Petitioner's evidence but Petitioner and his counsel both called absent on 20-1-2012. As such, in absence of Petitioner case is dismissed. Accordingly, a 'Nil' award is passed in absence of any evidence. Transmit.

VED PRAKASH GAUR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

**NIL**

**Documents marked for the Petitioner**

**NIL**

**Documents marked for the Respondent**

**NIL**

नई दिल्ली, 15 मार्च, 2012

का.आ. 1343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ जनरल मैनेजर टेलीकाम प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 9/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 15-3-2012 को प्राप्त हुआ था।

[सं. एल-40012/54/2006-आईआर (डी यू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2012

S.O. 1343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2007) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of The Chief General Manager Telecom and their workman, which was received by the Central Government on 15-3-2012

[No. L-40012/54/2006-IR (DU)]

RAMESH SINGH, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
ATHYDERABAD**

PRESENT : SHRI VED PRAKASH GAUR, Presiding Officer

DATED the 9th day of February, 2012

INDUSTRIAL DISPUTE No. 9/2007

**BETWEEN:**

Sri N. Gopal,  
S/o Sri Pochaiah,  
H.No.I-9-16/I9, Ramnagar  
Med Bavi Basti,  
Hyderabad.

....Petitioner

**AND**

The Chief General Manager Telecom,

M/s. Bharat Sanchar Nigam Limited,

Andhra Pradesh Circle, Door Sanchar Bhawan,

Abids, Nampally Station Road,

Hyderabad-500 001.

....Respondent

**APPEARANCES:**

For the Petitioner : M/s. A. Raghu Kumar,  
Basavaiah & B. Pavan  
Kumar, Advocates

For the Respondent : Sri R.S. Murthy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-40012/54/2006-IR(DU) dated 5-1-2007 referred the following dispute under section 10( 1)( d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Bharat Sanchar Nigam Limited and their workman. The reference is,

**SCHEDULE**

"Whether the action of the management of Chief General Manager, Telecom, Bharat Sanchar Nigam Limited A.P. Circle, Hyderabad (AP) in terminating the services of their workman Shri N. Gopal S/o Sri Pochaiah, w.e.f. 30-11-2004 is legal and justified ? If not, to what relief the workman is entitled ?"

The reference is numbered in this Tribunal as I.D. No. 9/2007 and notices were issued to the parties.

2. IA No. 56/2009 has been filed to recall earlier order dated 10-2-2009 passing award and earlier order was recalled vide order dated 18-2-2011. The matter was posted for filing of counter by Respondent. Learned Counsel for the Respondent appeared before this Tribunal and stated that it is a matter of casual labour who worked in 1993, he has not moved this petition for his reinstatement and absorption. He stated that this facility is not available to the Petitioner in light of case law reported in Civil Appeal No. 8747/2011 in the matter of Bharat Sanchar Nigam Ltd., Vs. Man Singh and C.A. No. 8748/2011 in the matter of Bharat Sanchar Nigam Ltd., Vs. Manj Ram, and C.A. No. 8749/2011 in the matter of Bharat Sanchar Nigam Ltd., Vs. Sewa Ram wherein the Hon'ble Supreme Court has opined that where the daily wager has been disengaged from the service, no order for reinstatement can be passed.

3. Learned Counsel for the Petitioner was absent as such, in the light of the judgement cited by Learned Counsel for the Respondent, the industrial dispute is dismissed with the order that the question of reinstatement does not arise in this case and the action of management of Bharat Sanchar Nigam Ltd., in not reinstating the Petitioner in service is neither illegal nor unjustified. The award is passed accordingly. Transmit. Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 9th day of February, 2012.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 9th day of February, 2012.

**VED PRAKASH GAUR**, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

**NIL**

**Documents marked for the Respondent**

नई दिल्ली, 15 मार्च, 2012

का.आ. 1344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एवर इण्डिया लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई नं.-। के पंचाट (संदर्भ संख्या 15/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 15-3-2012 को प्राप्त हुआ था ।

[सं. एल-11012/65/2004-आईआर (सी-1)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th March, 2012

S.O. 1344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2005) of the Central Government Industrial Tribunal-cum-Labour Court-I, Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Ltd., and their workman, which was received by the Central Government on 15-3-2012.

[No. L-11012/65/2004-IR (C-1)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.1 MUMBAI

JUSTICE G. S. SARRAF Presiding Officer

REFERENCE NO. CGIT-1/15 OF 2005

Parties: Employers in relation to the management of Air India Limited

And

Their Workman

**APPEARANCES:**

For the Management	: Ms. Geeta Raju, Adv.
For the Guild	: Ms. Kunda Samant, Adv.
For 10 workmen	: Shri Peerzada, Adv.
State	: Maharashtra

Mumbai, dated the 24th day of February 2012.

**AWARD**

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act 1947. The terms of reference given in the schedule are as follows:

Whether the action of the management of M/s Air India Ltd., Mumbai, in placing the Senior

Technicians and Master Technicians (as they were called then) as junior most in the seniority list of Technicians as per circular dated 14-2-1991 and thereby affecting their promotional avenues adversity is fair, proper, legal and justified ? If not, to what relief are the 23 workmen (list enclosed) entitled and from what date and what other directions are necessary in the matter?

2. According to the statement of claim filed by the Air India Employees Guild (now known as Aviation Industry Employees Guild) the 23 workmen concerned in this reference joined Air India on various dates from 1979 to 1984 as Technicians. The educational and technical qualifications were common for the workmen in the overhaul shops and maintenance division. To meet the shortage of man-power in the maintenance division the management transferred Technicians/Service Engineers from overhaul shops to the maintenance division. It was always the policy of the management to transfer the employees from the overhaul shops to the maintenance division instead of recruiting new hands in the maintenance division. During the period from 1974 to 1983 the management transferred a number of technicians from the overhaul shops to the maintenance division. On transfer the management protected cadre and grades of the transferred workmen and they were placed junior most in their respective grades without placing them junior most below the entry level. Thus the management protected their seniority and granted them promotions taking into consideration their past seniority. In and around 1991 there was acute shortage of technicians in the maintenance division and to overcome this difficulty Air India invited applications for voluntary transfer from workmen employed in the overhaul shops. The 23 workmen for the reasons of assisting their employer to overcome the shortage of manpower in the maintenance division opted for voluntary transfer from overhaul shops to maintenance division .Which was in the same department as well as at the same station. However, the management violated the guarantee and placed the 23 workmen as junior most below the entry level in the maintenance division. Due to this wrongful placement these workmen were deprived of their right to promotion in accordance with the seniority in the company. By circular dt. 12-7-1996 Air India revised its common promotion policy and provided time bound promotions to service engineers. However, Air India, with malafide intention and ulterior motive, denied promotion to these workmen in accordance with the said promotion policy under the pressure of the employees who were already employed in the maintenance division. The action of the management in denying promotions to these workmen amounted to unfair labour practise. Service Engineers were interviewed as per the revised promotion policy and during such interviews about 9 workmen who had not put in 15 years of service as required for promotions

were promoted in gross violation of the promotion policy. It has, therefore, been prayed that the management be directed to promote the 23 workmen from time to time by including their tenure of service rendered prior to their transfers and in terms of promotion policy dt.12-7-1996.

3. According to the written statement filed on behalf of the management prior to 1990 seniority of technicians was protected who opted for voluntary transfer. However, this resulted into injustice to the existing technicians. The management received representations from service engineers who were initially recruited in the maintenance area against the transfer of technicians from other departments showing them senior. In order to have industrial harmony the union and the management had a discussion and the management issued a staff notice dt.14-2-1991. The 23 workmen accepted the terms and conditions of transfer as contained in the above staff notice and opted for transfer from overhaul shops to the maintenance division in response to the above staff notice. The workmen were placed junior most including those on probation with the result that unless and until the senior staff above them completed the number of years of service to be eligible for next promotion they could not be considered for next promotion even if they had completed number of years of service in terms of the promotion policy dt.12-7-1996. The 23 transferee workmen could not supersede the senior staff working in the maintenance division as they had accepted the terms and conditions contained in the staff notice dt.14-2-1991 and now they were estopped from raising the dispute after a period of 13 years on the principle of estoppel. According to the written statement the staff from overhaul shops were interested in transfer to the maintenance division to gain several benefits like posting at online stations in India and abroad which benefit was not available to them while working in other divisions. The management has, therefore, prayed that the statement of claim filed by the 23 workmen be rejected.

4. The Guild filed rejoinder wherein it reiterated its stand.

5. Prashant Sawant and 9 others who were allowed to be impleaded by order dated 13-12-2006 filed written statement wherein they have supported the stand taken by the management.

6. The Guild again filed a rejoinder.

7. The 23 workmen filed an amended statement of claim on 11-3-2011 and thereafter the management filed additional written statement on 30-3-2011.

8. The affidavit and additional affidavit of J.Chandrasekhar and affidavit of Yarsi Eswara Reddy have been filed on behalf of the 23 workmen and they have been cross-examined by learned counsel for the management and learned counsel for the 10 workmen. The affidavit of Shripad Anand Prabhudesai has been filed on behalf of the management who has been cross-examined by learned

counsel for the 23 workmen and learned counsel for the 10 workmen. An affidavit of Prashant Sawant had been filed on behalf of 10 workmen who has been cross-examined by learned counsel for the management and learned counsel for the 23 workmen,

9. Heard learned counsels for the parties.
10. Staff notice dt.14-2-1991 runs as under:

**Staff Notice**

**Sub : Voluntary transfer**

Applications are invited from permanent staff of technician category in the Engineering/Engine Overhaul Department for voluntary transfer from their present department, division/shops to maintenance and viceversa. The transfers will be affected on the following terms and conditions : The waitlist of the selected candidates will be prepared and the same will be valid for one year from the date of selection, depending upon the vacancies to be filled in by voluntary transfer in each area when the exercise is being carried out.

1. The primary consideration will be the seniority in the respective area and satisfactory performance appraisal report.
2. The candidates will have to appear before the selection panel constituted to interview the candidates who have requested for voluntary transfer.
3. The technician at the time of applying for voluntary transfer must have completed minimum of 2 years service as technicians in the present area as the case may be.
4. In case the request for voluntary transfer is considered favourably after the selection process the technician transferred from one area/zone will become juniormost including those technicians on probation in the seniority zone as on date where the transfer is effected.
5. The present salary in the existing grade will be protected e.g. if the candidate selected for transfer is presently in the grade of Sr.Technician or Master Technician the present salary as Sr.Tech. or Mast. Tech. will be protected though in the seniority zone he will be junior most in the grade of Technician.
6. The condition for further promotion of the transferee will be as follows:
  - (a) Aircraft Technician: He will be considered for promotion after 5 years of service in the new area or after promotion of his immediate senior to the next grade.
  - (b) In case of Senior Aircraft Technician/ Master Technician he will be considered

for promotion to the post of Master Technician/Chargehand respectively only after his senior is promoted to the post.

7. The number of persons to be transferred in each area will purely depend on the decision of management.

**Note:** All the above conditions will be applicable to technicians category of outstations also.

Candidates fulfilling the above requirements and who desired to be voluntarily transferred with the conditions as specified above may apply in prescribed proforma, available in the respective administrative offices, to Manager Establishment, Engineering Department through proper channel. Applications should reach the Establishment Section on or before 15th March 1991.

11. The workman J.Chandrasekar, on cross-examination by learned counsel for the management, has stated.

"The Air India takes decision after consulting the Guild. On 14-2-1991 a notice was affixed on the notice board calling for applications from experienced service engineers for transfer to maintenance division of Engineering Department. Those who were interested they applied. There were certain terms and conditions for the transfer. The transfer was subject to acceptance of these terms and conditions. The terms and conditions were accepted by the workmen in writing who sought transfer".

On cross-examination by learned counsel for the 10 workmen he has further stated that

"I was transferred to maintenance division as per the staff notice dt.14-2-1991 and through selection process. Staff notice is Ex.W-42. I was interviewed. I don't remember who interviewed me. After interview I was selected and posted in maintenance division. Before I applied and appeared for interview I understood voluntary transfer policy as contained in Ex. W-42. After accepting all the conditions mentioned in Ex W-42 I applied for the post in maintenance division.....My other colleagues also accepted the terms and conditions in Ex.W-42. They also underwent the selection process."

Another witness Yarasi Reddy produced on behalf of the 23 workmen has stated in cross-examination

"These 23 employees gave their consent in writing for transfer accepting the terms and conditions as per the staff notice".

12. There is no doubt that the staff notice dt.14-2-1991 was issued after due consultation with the Guild. Paras nos. 4 and 5 of the above staff notice made it absolutely clear that the technicians transferred from one area/zone would become junior most including those technicians on probation and that only their salary in the existing grade was protected. It is very clear from the statements of the witnesses J.Chandrasekar and Yarasi Reddy produced on behalf of the 23 workmen that those who applied for transfer accepted the terms and conditions contained in the staff notice dt.14-2-1991. When these 23 workmen fully understood the voluntary transfer policy as contained in the staff notice dated 14-2-1991 and thereafter accepted all the terms and conditions mentioned therein then how they can now complain after availing several benefits like posting at online stations in India and abroad which benefit was not available to them while working in other divisions.

13. There is nothing on the record to show that the above staff notice dt.14-2-1991 is unfair, improper, illegal or unjustified.

14. For the reasons stated above the 23 workmen are not entitled to any relief.

An Award is passed accordingly.

JUSTICE G S. SARAF, Presiding Officer

नई दिल्ली, 15 मार्च, 2012

**का.आ. 1345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद, नं. 2 के पंचाट (संदर्भ संख्या 110/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 15-03-2012 को प्राप्त हुआ था।**

[सं. एल-20012/158/2005-आईआर (सी-1)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 15th March, 2012

**S.O. 1345.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110 / 2005 ) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ECL, and their workman, which was received by the Central Government on 15-3-2012.

[No. L-20012/158/2005-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Present : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10  
(1) (d) of the I.D. Act, 1947

Reference No. 110/2005

**PARTIES:** Employers in relation to the management  
of Mugma Area of M/s. ECL and their workman.

#### APPEARANCES :

On behalf of the workman : None

On behalf of the management : Mr. U. N. Lal, Ld.  
Advocate;

State : Jharkhand Industry : Coal

Dhanbad, Dated the 28th day of February 2012.

#### AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/158/05-IR (C-I) dated 9-12-2005.

#### SCHEDULE

“Whether the demand of the Rashtryiya Colliery Mazdoor Sangh from the management of ECL, Mugma Area, that Sh. Nasib Bhuria dependant, minor son of Late Bhusia Bhuria, workman be kept on live roster for employment on attaining the age of maturity and till such employment is provided he may be given monetary compensation, justified ? If so, to what relief is the said dependant entitled.

2. None represented the Sponsoring Union/workman nor did file any written statement on their part even after having been issued altogether four Regd. Notices dt. 3-9-2007, 31-3-2008, 9-12-2010 and 30-11-2011 respectively and one Regd. Show Cause notice dt. 24-5-2010 on the address of the Sponsoring Union/ workman referred in order of Reference Mr. D. K. Verma, Ld. Advocate for the Management is present.

Perusal of the case record reveals status that it had been pending for filing written statement by the Sponsoring Union/workman till date against which four Regd. notices and one show Cause as well were issued to them. As regards the gesture/activity reflected from Sponsoring Union/workman so far, it clearly exposes that they are disinterested to pursue the case. Moreover, the Tribunal do not find any logic to drag it on for an indefinite period but to close it at once, which would ultimately save the time and energy of the Tribunal. Hence, the case is closed and accordingly an order of no dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 15 मार्च, 2012

**कर.आ. 1346.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंदौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 986/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 14-3-2012 को प्राप्त हुआ था।

[सं. एल-12012/153/94-आई आर (बी-1)]  
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2012

**S.O. 1346.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award (Ref. No. 986/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Indore and their workman, received by the Central Government on 14-3-2012.

[No. L-12012/153/94-IR (B-I)]  
RAMESH SINGH, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

##### PRESENT:

Binay Kumar Sinha,  
Presiding Officer  
CGIT-cum-Labour Court,  
Ahmedabad  
Dated 29th February, 2012

Reference: CGITA of 986 of 2004 (New)

Reference: ITC 65/1995 (Old)

1. Regional Manager for Regional Office,  
State Bank of Indore (Now India),  
EMCA House, Mazzanie Floor,  
289, Shahid Bhagat Singh Marg,  
Ballard Estate-Mumbai-400038.

2. The Assistant General Manager,  
State Bank of Indore (Now India),  
Zonal Office, Chiya Chambers, 163,  
Kanchan Bag,  
Indore (Madhya Pradesh) ....First Party

And their workman

Shri Velji Vishram Chawada,  
145, Municipal Colony,  
New Anjar- Kutch-370110 ....Second Party  
For the first party : Shri S.B. Gogia, Advocate  
For the second party : Shri P.S. Vasavda Advocate

#### AWARD

A appropriate government/Government of India Bharat Sarkar, Ministry of Labour and Shram Mantralaya New Delhi, by order No. L-12012/153/94- IR(B-I) dated 30-10-1995 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 A of Section 10 of I.D. Act, 1947 referred the dispute for adjudication to the Industrial Tribunal, Rajkot by formulating the terms of reference under the schedule as follows.

#### SCHEDULE

“Whether the action of the State Bank of Indore, through its Regional Manager Bombay and its officers in terminating the service of Shri Velji Vishram Chawda Clerk/Cashier, State Bank of Indore, Gandhidham Branch vide order dated 26-08-1993, just, valid and legal? If not to what benefits the workman is entitled for and what directions are necessary in the matter ?”

2. On registering of the reference ITC 65/1995 in the court of Industrial Tribunal at Rajkot. The workman and the management of the first party Bank were noticed to appear and to file their respective pleadings-statement of claim and written statement. The parties appeared and filed their pleadings.

3. The case of the workman second party as per statement of claim at Ext. 3 dated 6-03-1996 is that he had been selected by erstwhile State Bank of Indore for the post of Clerk-cum-Cashier in 1985. He had completed all reappointment formalities such as verification of original testimonial/submission of bio-data forms, medical fitness by Bank's doctor etc. at Rajkot Branch on 20-03-1985 and he also submitted release-letter of his previous employer i.e. Collector Kutch. Then he had been given appointment letter 28-03-1985 and he joined his duty with the Bank on 28-03-1985. Further case is that the paper regarding his pre-appointment formalities were not sent to Regional Manager II, Indore by Baroda Branch Manager, then duplicate bio-data forms etc. were obtained from him in September-1985 through the Branch Manager of Gandhidham Branch. An explanation was also asked from him by the Branch Manager, Gandhidham regarding his previous service with Kutch Gramin Bank as Officer vide letter dated 5-10-1985' and he was asked to submits service certificate along with explanation. He submitted explanation vide letter dated 10-10-1985 along with a copy of the Regulation No.8 (3) of the Kutch Gramin Bank Staff Service Regulation 1980. Further case is that he had to attend Criminal Court at Anjar in connection with submission of chargesheet by Anjar police in Criminal Case No. 655/1985 wherein he was also made as a accused though he was not FIR named. FIR of the case was lodged on 6-03-1984 by Kutch district Rural Development Agency, Bhuj, Kutch and the FIR was lodged against G.M. Mehta only who was Extension Officer in KDRDA. FIR was lodged

and case was registered under section 409, 420,465 IPC. The FIR was not disclosing his name. However his name was mentioned along with 4 others accused in the chargesheet on 20-12-1985. He had been late to attend his duty at the Bank and he requested Branch Manager to allow him to join duty in late hours and he was allowed to join duty late on 20-12-1985. Further case is that he was confirmed in the service of the Bank vide letter No. 28/1986 dated 28-01-1986. Further case is that from 1987onward tussle arose between the Branch Manager Shri T.K. Sureja and the union Representative Shri P. V. Soni and he was also harassed as a staff member with others who supported Shri Soni. The Manager Shri Sureja was afraid and was carrying bias against him also and the union representative Shri Soni and Shri Tarachandani and others employees of the Bank were suspended and also show cause notices were issued to them and chargesheet was also issued to them but due to intervention the union leaders Shri Soni and Shri Tarachandani were reinstated and the manager Shri Sureja was transferred from Gandhidham Branch to a Branch in Madhya Pradesh. Subsequently Shri Sureja resigned from his service and before leaving Gandhidham he (Shri Sureja) manipulated records against him and sent complaint report against him to the Regional Manager Shri Sureja also mislead Regional Manager and got him (workman) suspended for charge of pending Criminal Case in Anjar Court suspension order was issued to him. As per suspension order it was alleged that due to pending Criminal Case against him and due to concealment of some information regarding his service as officer with Kutch Gramin Bank and termination thereof in bio-data form he had been put under suspension till the decision of the court. Further case is that during the suspension period he was not provided properly subsistence allowances and increments and his increments were withheld. Regional Manager issued chargesheet against him and he replied to the charge sheet but his reply was not considered and inquiry was held against him against the provision of bipartite settlement and so the enquiry held against him is void, illegal and enquiry officer also held enquiry against him illegally. Enquiry officer submitted his findings to the Regional Manager on 07-12-1990 but the enquiry report is not based on assessment of evidence. Findings in enquiry report was submitted at his own will and surmises. More so, the Regional Manager relied on perversed findings and issued to him second show cause notice for punishment of dismissal without notice. His request was turned down by Regional Manager for extension of time to reply show cause notice and his request for giving him some documents to revert the evidence lead against him during enquiry was also not considered. He had also filed Criminal Misc. Application before the High Court of Gujarat at Ahmedabad for expeditious disposal of criminal case against him and another and the High Court ordered to dispose of the criminal case within 4 months. Then criminal case was

decided by the Judicial Magistrate Anjar Court and all the accused including himself were acquitted and no appeal was filed against judgment of acquittal. He had submitted certified Xerox copy of judgment to Regional Manager and urged to revoke his suspension but it was not taken into consideration and second show cause notice dated 14-09-1991 was issued to him he then filed Civil Suit for permanent injunction and declaration in the court of Civil Judge at Gandhidham- Kutch with an application for ad interim injunction on 16-10-1991. The banks Advocate appeared in that Civil Suit and submitted one written statement the Civil Suit remained pending in Civil Court at Anjar and the Regional Manager issued his dismissal order which was received by him on 07-09-1993 and copy of dismissal order dated 26-08-1993 was submitted in Civil Court thereafter the Civil Suit was dismissed on the ground that it was an Industrial Dispute and the Civil Court has no jurisdiction. Subsequently he withdraw suit file against the Bank and the suit was dismissal as withdrawn. Further case is that he also preferred appeal to the Assistant General Manager of the Bank against the punishment order of dismissal without notice and his appeal was turned down. It has been contended that order awarding punishment of dismissal without notice is illegal, Prejudicial, Premature, Contrary to the Principle of natural Justice and Provisions of Bipartite Settlements. The dismissal order has also been challenged on the ground that he (workman) was suspended by the Bank pending criminal proceedings and so no enquiry could have been held against him till the decision in the pending criminal case in the Anjar Court. And so, the enquiry held against him is redundant and premature and the findings given by the enquiry officer and the punishment awarded by the Disciplinary Authority is unwarranted, unfounded and illegal. It has also been contended that the order of punishment of dismissal without notice is effected with retrospective effect i.e. from the date of the order 26-08-1993 and it is not made effective from the date of receipt of order by the applicant on 07-09-1993. It has also been contended that the punishment imposed upon him is highly disproportionate to the gravity of misconduct and that clause 19.5 (J) of the bipartite settlement does not apply to his alleged misconduct rather his alleged misconduct if any, falls under the clause 19.5 (M) of the bipartite settlement. Further ground taken challenging his dismissal is that he was confirmed after completing probation period then after 4 and half years of satisfactory service of the applicant the original appointment cannot be questioned by alleging misconduct of concealment of information in bio-data from and the management Bank can be estopped to raise these plea after 4 years. On these grounds prayer has been made for setting aside his order of dismissal and for his reinstatement in the Bank's service with backwages and all other consequential benefits and also praying for cost of this case with compensation and for any other relief to which the workman is found entitle.

4. The case of the first party (Bank) as per its written statement at Ext. 7 pleading inter-alia is that the second party workman had concealed true fact in the bio-data form at column 19 and 21 filled by him and submitted in the Bank for his appointment which on enquiry was found a misconduct on his part and so the workman was suspended from the service and was served with chargesheet dated 14-09-1989 for the allegation mention therein and he was asked to submit explanation within 10 days from the date of receipt of the chargesheet by him and the workman replied on 15-10-1989 but his explanation was not found satisfactory and therefore it was decided to hold departmental enquiry and Shri S.K. Behl officer MMGS-III posted at Head Office was appointed as an enquiry officer to enquire into the charges levelled against the delinquent workman. The enquiry officer after completing the enquiry on 12-10-1990 submitted his enquiry report on 07-12-1990 and the enquiry officer found the workman guilty of the charges and the enquiry report was submitted to the disciplinary authority then second show cause notice with copy of the inquiry report was served on 14-09-1991 upon the workman but the workman did not reply to the second show cause notice and in the mean time the workman approached to the Civil Court but in the mean time dismissal order was issued on 26-08-1993 and that order was also received by the workman. It is further case of the first party Bank that the workman was given all the opportunities to defend his case properly and sufficient time was given to him and as per prayer made by the delinquent workman several adjournments were granted to him and the workman was supplied with all documents which he wanted to see. It is further case of the first party that previous record was also considered while awarding punishment and it was found that the previous record of the applicant was not good and satisfactory as he was served with chargesheet and memos on several occasions and that the service of the Bank requires confidence and creed and in the present case the workman has lost the confidence of the Bank cannot repose the confidence in the workman who had hidden the necessary and most important information in the bio-data. If the workman would have submitted said information in the bio-data perhaps he would not have been even called for an interview for the post of clerk as looking to the misconduct which he has committed, he was not deserving to be retained or to be taken in the employment of the bank. Further ground taken is that the workman has started his own practice and he is in gainful employment and there is no ground for his reinstatement. Besides this the first party Bank has denied parawise the allegation made by the workman in his statement of claim against the management of Bank and its officers by replying the para 1 to 19 of the statement of claim at Ext. 3. On these scores it has been urged that this reference is not maintainable, the workman has no cause of action and he is not entitled to get any relief and the reference is fit to be dismissed with cost.

5. When the dispute arose between the management and the workman the management of bank was with nomenclature of State Bank of Indore and the workman had also joined in the service of State Bank of Indore. Industrial dispute raised by the workman employee before the conciliation officer the failure report of the conciliation officer was sent to the appropriate government and the appropriate government considering Industrial Dispute existed between employer the management of State Bank of Indore and their workman referred the dispute for adjudication by formulating the terms of reference as per schedule mentioning the name of the management of Bank through its Regional Manager and its officer of State Bank of Indore. The entire evidences oral and documentary of the parties were adduced when this reference case was pending before the Industrial Tribunal at Rajkot. Subsequently after receipt of the case record in this tribunal, notices were issued to the parties for intimating as to the hearing of this case before this tribunal. Both sides with their lawyers appeared in this case before this tribunal on 02-05-2011. Application at Ext. 33 has been filed by the parties praying therein for formal amendments in the nomenclature of the first party Bank and for penning through the word Indore by replacing the word 'India' to be read as "State Bank of India" in place of State Bank of Indore and the order was passed on 02-05-2011 consequently necessary amendments in the statement of claim and in the written statement were made to be read as State Bank of India in place of erstwhile State Bank of Indore which was admittedly merged with the State Bank of India. Thereafter the arguments of the parties were heard, the parties also submitted written argument and submitted translated version in English of the written argument.

6. Though the second party workman as per his statement of claim challenged the propriety of the domestic enquiry held against him taking such grounds that it is premature and it was held during the pendency of the criminal case and that he was not granted opportunity to defend himself and principle of natural justice was not followed and the first party Bank in turns as per grounds mention in the written statement also alternatively pleaded that if the enquiry vitiated then management Bank be given opportunity to lead evidence before this tribunal to justify its action, so taken against delinquent workman. But infact no any separate pursis was filed by the second party workman praying therein to decide as preliminary issue as to the propriety or otherwise of the domestic enquiry held against him. In such view of the matter it was employed consent of the second party workman that he is not challenging as to the validity of the domestic enquiry held against him as preliminary issue and so, the entire enquiry file has to be taken into the account as a material in this case for arriving at determination of this reference case.

7. Considering pleadings of the parties the following issues are taken up for consideration and determination in this case.

### ISSUES

- (I) Whether the reference is maintainable?
- (II) Is the second party workman got valid cause of action in this case?
- (III) Whether the principle of natural justice, fair play was adopted by the management in conducting domestic enquiry against the delinquent?
- (IV) Whether the report of enquiry officer dated 07-12-1990 (Ext. 18) is perversed?
- (V) Whether the order of punishment of dismissal without notice dated 26-08-1993 (Ext. 10) awarded to the delinquent workman Shri Velji Vishram Chawda is shockingly disproportionate to the gravity of misconduct and charge levelled against?
- (VI) Whether the punishment awarded to the delinquent workman is legal, proper and justified?
- (VII) Whether the delinquent (second party workman) is entitled to any relief?

### FINDINGS

#### 8. ISSUE No. III & IV

None of the parties filed any separate pursis for deciding the propriety or otherwise of the domestic enquiry as preliminary issue. Though the second party workman as per statement of claim at Ext. 3 challenged the domestic enquiry held against him and first party management Bank as per its written statement (Ext. 7) alternatively prayed that if this tribunal give any findings that the domestic enquiry has vitiated then the first party may be given opportunity to justify the action taken against the delinquent workman in awarding the punishment of dismissal without notice. The second party workman ought to have filed separate pursis making prayer for deciding the validity or otherwise of the domestic enquiry held against him as preliminary issue but no any pursis was filed on behalf of the second party workman and the case proceeded for evidence oral and documentary. The first party (management Bank) filed 9 documents as per list Ext. 14 dated 15-09-1997 which are the chargesheet dated 14-09-1989 and second document letter dated 18-10-1989 addressing to the delinquent workman for initiating disciplinary action under domestic enquiry third document is the letter dated 07-09-1989 which was given to the delinquent workman by way of notice of domestic enquiry, fourth document Ext. 14/4 is the second show cause notice dated 08-10-1991, the papers at Ext. 14/5 series -1 to 5 of which 14/5-1 is correspondence letter dated 09-02-1989 incorporating regarding filling up wrong information in the bio-data form by the delinquent workman and the second document in the series is letter of Kutch Gramin Bank Dated 25-01-1989 addressed to the Branch Manager, State Bank of Indore, Gandhidham informing regarding the period of service of Shri Velji Vishram Chawda and also regarding his termination from services of the Gramin Bank

and also informing that the Criminal Case is pending for investigation with Anjar Police. Third document in this series is also containing information that besides other person delinquent workman Velji Vishram Chawada was also one of the accused in the Criminal Case vide FIR lodged at Anjar Police Station. Next document in Ext. 14/5 series is the filled up bio-data form in the pen and signature of the delinquent workman dated 18-03-1985 in which the column 21-A and 21-B have been filled up with 'no' and in column No. 19 for incompletely filling up the designation of post held or description of work with period in which his period of work from 05-12-1981 to 13-09-1983 as Probationary Officer in Kutch Gramin Bank was not filled. Whereas the correspondence made to the Branch Manager of State Bank of Indore, Gandhidham, Kutch by the Kutch Gramin Bank dated 25-01-1989 it has been informed that Shri Velji Vishram Chawada work from 06-6-1980 to 02-12-1981 as Cashier-cum-Clerk and from 05-12-1981 to 13-09-1983 as Probationary Officer. Next document in this series is the letter written by Jilla Police Officer, Kutch-Bhuj and its copy sent to Branch Manager, State Bank of Indore, Gandhidham regarding FIR no. 15/84 lodged at Anjar Police Station informing that the Velji Vishram Chawada appeared with anticipatory bail on 28-08-1984 at 12 0' clock in connection with the Criminal Case under FIR 15/84 of Anjar Police Station. Ext. 14/6 is copy of FIR of the Anjar P.S. Case No. 15/84 under Section 403, 409, 420, 465, IPC, in the Ext. 14/6 series other documents are concerning the disciplinary action taken against Shri Velji Vishram Chawada when he was Probationary Officer in Kutch Gramin Bank resulting in his termination from service on 13-09-1993 as he was not found fit for confirmation. Ext. 14/7 is the appeal against dismissal preferred by the delinquent workman, Ext. 14/8 is the Appellate order passed by Deputy General Manager rejecting the appeal and Ext. 14/9 is the reply by the delinquent workman to the second show cause notice. The first party further filed 9 documents on 16-06-1997 under list. Ext. 12 under which the chargesheet, suspension order, reply of the delinquent report, of enquiry officer, second show cause notice, workman dismissal order, appointment letter given to the applicant filled up bio-data form dated 18-03-1985 of the workman and letter LRM2/ESTT/09743 dated 01-10-1985 have been filed chargesheet has been given pakka Ext. 15, suspension order, Ext. 16, reply of the applicant, Ext. 17, report of enquiry officer, Ext. 18, second show cause notice, Ext. 19, dismissal order dated 26-08-1993. Ext. 20, appointment letter given to the workman dated 20-03-1985, Ext. 21, filled up bio-data form of the workman dated 18-03-1985. Ext. 22 and letter No. LRM2/ESTT/09743 dated 1-10-1985 is Ext. 23.

9. Ext. 25 is the oral deposition of the second party workman Velji Vishram Chawada who deposed on 7-09-1998 and was cross-examined on 14-09-1998 by the first party Bank's lawyer. The first party Bank did not adduce any oral evidence in this case rather has only relied upon

the validity of the domestic enquiry held against the delinquent workman and in this connection filing of the documents as per Ext. 12, 14, 15 to 23. On behalf of the second party workman as many as 17 documents were submitted with list of Annexures dated 06-03-1996 along with his statement of claim Ext. 3. Further as per Ext. 11 the application of the second party workman dated 25-03-1997 10 documents were filed making prayer for giving the exhibits to the 17 documents by list of Annexures along with statement of claim with further prayer for marking exhibits to the 10 documents filed as per Ext. 11. It appears that though prayer has been made for giving pakka exhibits to those documents on behalf of the second party workman but it has not been given pakka ext. inadvertently. But those documents has to be considered as exhibited documents in this case with the marking as Ext. 3/1 to 3/17 and Ext. 11/1 to 11/10.

10. On behalf of the first party it has been argued that management Bank has given all the opportunities to the delinquent workman to defend his case properly and sufficient time was given to him and not only that he asked for several adjournment and he was given all the documents which he wanted to see and that on each and every sittings of the enquiry delinquent workman along with his co-worker was all along present and thoroughly participated in the enquiry, cross-examined the management witness also examined defence witness and that can seen from entire enquiry proceeding right from starting of enquiry on 31-05-1990 up to the conclusion of enquiry on 12-10-1990. The delinquent workman as per his list of document dated 25-03-1997 has filed Xerox copies of the proceeding of the domestic enquiry (page no. 1 to 15) and 2 to 1/12 dated from 31-05-1990 to 12-10-1990. It has been marked as Ext. 11/9. From perusal of the enquiry proceeding of each date it appears that it contains signature of the delinquent workman and also his co-worker. Besides the signature of Presenting Officer and the enquiry officer. From going through the entire enquiry proceeding it appears that the principles of nature justice and fair play was adopted by the enquiry officer in conducting enquiry against delinquent workman and whenever the delinquent workman asked for adjournments to put his defence reasonable opportunities was granted and further enquiry was adjourned to the convenient date. During the course of enquiry the delinquent workman also put his defence and examined the defence witness on point that Bank Manager T. K. Sureja was carrying bias against him and he in order to implicate him manipulated in the documents and falsely got chargesheet issue against him. During the argument on behalf of the second party workman it has again been highlighted that the Branch Manager Mr. Sureja was carrying bias and so manipulated documents against the second party workman but his such submission does not appear to be plausible and having any basis in view of the chargesheet Ext.15. Because the misconduct under chargesheet against delinquent workman Shri Velji

Vishram Chawada was not that he was involve in the Criminal Case vide FIR 15/84 along with other co-accused for misappropriation, fraud, embezzlement of the money rather misconduct on part of the delinquent workman was clearly enumerated in para 2 of the chargesheet.

- (a) that you have deliberately concealed following position by not mentioning them in the Bio-data form dated 18-03-1985 submitted to the Bank duly filled and signed by you.
- (i) Para 19 (details regarding past employment) worked as Probationary Officer at Kutch Gramin Bank, Bhuj during 5-12-1981 to 13-09-1983 has been concealed.
- (ii) Para no. 21 (a) & (b) F.I.R. lodged against you on 6-03-1984, police filed chargesheet against you in the court and you were released on bail by Session Court on 28-08-1984, case is pending against you in court and termination of your service by Kutch Gramin Bank have been concealed.
- (b) You submitted wrong information to the Bank on 18-03-1985 under Para 21 (a) & (b) of the bio-data form.
- (c) You also submitted false certificate to the Bank on 18-03-1983 in the bio-data form submitted to the Bank at the time of your recruitment in the Bank.
- (d) Your acts/omission, if proved would amount to gross misconduct within meaning of para 19.5 (J) of the first bipartite settlement dated 19-10-1966.

From very perusal of the chargesheet is found that the chargesheet is no ambiguous rather is very much clear narrating about the misconduct. In such view of the matter such allegation as per statement of claim and also as per argument advanced on behalf of 2nd party has no leg to stand that Ex-Branch Manager Mr. Sureja had manipulated the Bio-data in any way or he was instrumental in filing of chargesheet in Kutch Gramin Bank's misappropriation/ embezzlement case in Anjar P.S. case 15/84 on 20-12-1985 rather, from very perusal of the filled up bio-data of the delinquent workman dated 18-03-1985 which is Ext. 22 it is crystal clear that the bio-data is in the pen and signature of the delinquent workman which was filled up on 18-03-1985 and submitted in the, Bank. From going through column 19 of the bio-data from which was for giving the details of the previous employment, the delinquent workman had filled up the details of his previous employment but the second part of his employment with Kutch Gramin Bank, Bhuj as Probationary Officer from 5-12-1981 to 13-09-1983 was not filled up, which came to the knowledge of the Management Bank after the appointment of the delinquent workman as Clerk vide appointment letter dated 18-03-1985 Ext. 3/1. On perusal of column 21 (a) & (b) which was required for furnishing the information by the delinquent workman on 18-03-1985 whether he has ever been arrested, prosecuted, get under detention or bound down fined convicted by

court of law in any offence or debarred by any institute from appearing at its examination/selection or debarred from any examination/rusticated by any university or any other educational authority/institute. Against this column 21(a) the delinquent workman has clearly mentioned no. Against column 21(b) there was requirement giving the information regarding any case pending against you in any court of law, university or any other education authority/institute. At the time of filling of Attestation form/Bio-data, again the delinquent workman replied this column as "no". Whereas had it been accepted for the sake of argument that the delinquent workman was not named in the FIR but during the investigation his complicity had also come to light and so the delinquent workman along with 4 other persons were chargesheeted on 20-12-1985 and before submission of chargesheet by the Anjar Police also apprehending his arrest in connection with the FIR No. 15/84, he approached the Session Court for anticipatory bail and on 28-08-1984 he was granted anticipatory bail and thereafter he was released on anticipatory bail on surrender before the trial court on in the event of arrest by police. The factum of apprehension about his arrest in connection with Anjar police case No. 15/84 which was under Section 403, 409, 435, 465 IPC was quite known to the delinquent workman prior to filling of the attestation/Bio-data form vide Ext. 22 on 18-03-1985 and even then in column 21(a) he concealed the fact of he also being prosecuted in the said criminal case and also regarding having bound down that means he had been released on anticipatory bail. Likewise also concealed fact in column 21 (b) as to pendency of the criminal case against him, in which he had obtained anticipatory bail. So obviously the chargesheet Ext-15 against delinquent workman in this case is based on the concealment of information and the misconduct from the Bank

while criminal case was regarding embezzlement from the Kutch Gramin Vikas Bank by the delinquent workman and some other persons and so both the misconduct cannot be considered similar rather in the instant case the misconduct of the concealment of information in column 19 and also in column 21(a) & (b) are only to be considered because in connection with filing criminal case with allegation regarding embezzlement from Kutch Gramin Bank, the disciplinary action had earlier been taken against the delinquent workman while he was posted as Probationary Officer in the Kutch Gramin Bank, Bhuj and since he was not found fit for confirmation. So Shri Velji Vishram Chawada had earlier been served with termination letter by the Management of Gramin Bank, Kutch and the period of his working as Probationary Officer in the Kutch Gramin Bank from 5-12-1981 to 13-09-1983 was concealed and only the period of work as Cashier-cum-Clerk in the Kutch Gramin Bank from 6-06-1980 to 2-12-1981 was mentioned in column No. 19 of Bio-data form.

11. Ext. 18 is the report of enquiry officer dated 7-12-1990. From perusal of the enquiry report, it appears

that enquiry officer had considered all the evidence adduced on behalf of the management and also the evidence adduced on behalf of the delinquent workman in his defence and examined meticulously and all the evidence were discussed and examined in details in his enquiry report which contains in as many as 38 pages. From going through the second show cause notice issued to delinquent workman as per Ext. 19, it appears that principles of natural justice was also followed as per bipartite settlement while conducting domestic enquiry against the delinquent workman.

12. From scrutinizing the documents discussed above and also the records I am of the considered view that the principles of natural justice and fair play was adopted by the enquiry officer in conducting domestic enquiry against the delinquent workman and he was also given sufficient opportunity to defend himself and also opportunity for putting defence and in every dates of enquiry proceedings, the delinquent workman remained all along present with his co-worker and actively participated in the date to date enquiry and that the report of the enquiry officer dated 7-12-1990 as per Ext. 18 is based on sound footings and cannot be said to be a perversed report. Accordingly. Issue No. III is decided in affirmative and issue No. IV is decided in negative.

### 13. ISSUE No. V & VI

It has been argued on behalf of the second party workman that the so called misconduct as per chargesheet can be only under clause 19.5 (M) of the bipartite settlement and not under clause 19.5 (J) under which the punishment for such misconduct has been awarded. On behalf of the second party along with the written argument. Ext. 27 xerox copy of bipartite agreement has been filed under which in clause 19.5 gross misconduct have been shown from 19.5 (a) to 19.5 (m). It has been argued that under clause 19.5 (J) misconduct has been described such as "doing an act prejudicial to the interest of the Bank or gross negligence or negligence involving or likely bank in serious loss". Whereas under clause 19.5 (M) misconduct regarding "knowingly making false statement in any document pertaining to or in connection with his employment in the Bank". It has been argued that as per 4th bipartite settlement dated 17-09-1984 clause (M) was also added under gross misconduct in clause 19.5 of the first bipartite settlement dated 19 October, 1966. It has been argued that the misconduct regarding concealment of facts of making false statement in the Bio-data can be a misconduct falling under clause 19.5 (M) and not under clause 19.5 (J) but the disciplinary authority awarded the punishment of dismissal without notice for the misconduct under clause 19.5 (J) which is excessive and harsh punishment. It has been further argued that had it been considered by the disciplinary authority the misconduct on part of the delinquent workman under clause 19.5 (M) there was no question for awarding punishment under clause 19.6 (a)

(dismissed without notice), rather the disciplinary authority ought to have awarded punishment by giving warning or censored or entering adverse remarks or stoppage of increments etc. For substantiating such arguments some example have been filed that in proved misconduct under charges of clause 19.5 (M) one of the Bank staff namely Rajendra Prasad Suryavanshi clerk cum cashier, State Bank of Indore, Pipalkheda, Dist-Vidisa, M.P. had been given warning and another Bank staff namely M.M. Pithadiya farrash cum messenger, State Bank of Indore, Adipur Branch had been awarded punishment of stoppage of one increment for a period of 2 years with effect of postponing future increment. For setting said examples punishment orders as annexure- 2 to 5 along with the further written argument of the second party on law point as per Ext. 34 has been filed. On the other hand on behalf of the first party as per its written argument at Ext. 27 it has been submitted that the misconduct of the delinquent workman was quite serious misconduct even if it is taken that his such misconduct was under clause 19.5 (M), because the delinquent workman had concealed the facts of his involvement in Criminal Case, concealed fact that he obtained anticipatory bail in connection with Criminal Case and knowingly and purposely incorporated 'no' against column 21-(a) and 21-(b) of Ext. 22 Bio-data form dated 18-03-1985 and more so, the delinquent workman had worked as Probationary officer in Kutch Gramin Bank, Bhuj from 05-12-1981 to 13-09-1983 and also such fact that he was terminated from the service as was not considered fit for confirmation those facts were also purposely and knowingly concealed to be filled in column No. 19 and column 21. It has been submitted on behalf of the first party that Ext. 15 the chargesheet against delinquent workman is based on the concealment of the information and leading to such misconduct, whereas Criminal Case was regarding embezzlement from Kutch Gramin Vikas Bank by the delinquent workman and some other person while working as Probationary Officer in the said Bank and so both the misconduct cannot be considered similar and so such contention on behalf of the second party that dismissal cannot stand or it is illegal, fabricated, bad are not true and correct has no leg to stand. It has been further argued on behalf of the first party that the services of the Bank requires confidence and creed and in the present case the delinquent workman has lost the confidence of the Bank, not only confidence is lost but cannot repose confidence in the present workman who has hidden the necessary and most important information in the filled bio-data dated 18-02-1985. It has been argued if the delinquent workman would have submitted the said information in the Bio-data, perhaps he would not have been even called for interview for the post of clerk as looking to the misconduct which he has committed he was not deserving to be retained or to be taken in the employment of the Bank. In view of the arguments so advanced on behalf of both sides the example documents

filed by the delinquent workman along with the written argument on law point attaching at Ext. 34 viz - the documents marks 2, 3, 4 and 5 were perused and examined. Under paper mark 2 the allegation against the delinquent namely Rajendra Prasad Suryavanshi clerk cum cashier, State Bank of Indore, Pipalkheda, Dist- Vidisa, M.P. as per chargesheet was that he while filling up the bio-data form on 14-02-1985 concealed information at column No. 19 not by incorporating date from which he was holding previous post of extension assistant up to which date, whereas incorporated about the period from October 1983 till now which was found to be vague his misconduct was under clause 19.5 (M) as per bipartite agreement dated 17-05-1984 and the charges was proved but his misconduct was found not so serious by not clearly incorporating under clause 19 of the bio-data form and so though his misconduct was found to be of serious nature but considering all the circumstance and observing an exception for sympathetic attitude was only given administrative warning. In another example of misconduct as per marked 4 and 5 the charge against M.M. Pithadia, Farrash cum messenger was knowingly making false statement in any document pertaining to or in connection with or employment in Bank and the details of supporting documents was that he made false statement and supplying false facts when he was recruited in the bank in the year 1975 that he had studied up to S.S.C. in 1977 and passed relevant examination in March 1977 as is evident from the certified Xerox copy of the certificate issued by the Gujarat Secondary Education Board, Gandhinagar, he had suppressed the fact and made false statement regarding his true educational qualification at the time of completion of recruitment formalities. His misconduct was also under clause 19.5 (M) regarding concealment of fact in the Bio-data form. The charge for such misconduct levelled against him was proved in the departmental enquiry and disciplinary authority as per punishment order mark 5 imposed punishment of stoppage of one increment for a period of 2 years with the effect of postponing future increments. From examining those two examples cited on behalf of the delinquent workman in this case. I find that the misconduct on part of the delinquent workman even coming under clause 19.5 (M) was of very serious nature because delinquent workman had concealed the true facts in the two column of the Bio-data form, in column No. 19 that he concealed the factum of working as Probationary Officer in the Kutch Gramin Bank, Bhuj and also the factum of his termination from the service as not found fit for confirmation and subsequently delinquent workman further concealed the factum of his involvement in Criminal Case lodged at Anjar Police Station in which subsequently chargesheet was also submitted against him on 20-12-1985, but his complicity has also come in connection with the Criminal Case lodged by the official of the Kutch Gramin Bank along with the FIR accused and other non FIR accused and the factum that apprehending his arrest in connection with the Criminal Case he had

obtained anticipatory bail on 28-08-1984 and thereafter he was released on bail on that date. Whereas for purpose of recruitment in erstwhile State Bank of Indore, he was required to fill up the Bio-data form/attestation form and he did fill up the Bio-data/attestation form on 18-03-1985 i.e. much after obtaining anticipatory bail in connection with the Criminal Case as per Anjar Police FIR 15/84 but all those facts were concealed knowingly and purposely by the delinquent workman at column No. 21(a) & 21(b) and simply incorporated 'no' against column No. 21(a) & 21(b) and thereafter he got appointment letter Ext 3/1 and joined the service in State Bank of Indore, Gandhidham but subsequently during enquiry such factum of concealment by him came to picture when correspondence were made with the officials of Kutch Gramin Bank, Bhuj and also with officials of District Police, Anjar so the proved misconduct under the charge was very serious in nature than that of the examples produced by the delinquent workman at mark 2, 3, 4 & 5 in awarding light punishment instead of his dismissal from service without notice.

14. Further argument has been advanced on behalf of the second party that after serving the Bank for four and half years, chargesheet dated 14-05-1989 was served upon him whereas the Bank authority has been quite knowing about his involvement in the Criminal Case but earlier no disciplinary action had been taken against him that means Bank authority had waived about the concealment of fact in the Bio-data form Ext. 22. In this connection an application dated 20-12-1985 submitted by him addressing to the Branch Manager, State Bank of Indore on subject regarding late coming has been referred at Ext. 3/4. In letter it had been mentioned by the delinquent workman that I become late today for 2 hours because I had to go to court as Anjar Police submitted chargesheet against me today kindly allowed me join duty for which I assure you for work late up to 2 hours and his such application allowed by the Branch Manager. This letter cannot be considered as waiver of the misconduct of the delinquent workman on part of the management of Bank because the question arises whether he had given earlier information to the Bank that he has been involved in the criminal case Anjar PS 15/84 and that he apprehending his arrest, had obtained the anticipatory bail. Indeed such information was quite unknown to the Bank management. Also examining the delinquent workman letter dated 10-10-1985 at Ext 3/3 on the subject previous employment in the Kutch Gramin Bank addressing to the Branch Manager, State Bank of Indore, Gandhidham. It has been mentioned I was working with Kutch Gramin Bank as cashier thereafter I passed officer examination and resigned from cashier and join as officer Branch Manager on 05-12-1981 for a period of probation for 2 years. and temporary posting was given to him at Head Office, Bhuj and thereafter I was transferred in April-1982 at Pursamedi branch as Branch Manager in May, 1983 I was transferred at our Bhuj branch as per Bank's policy. On 13-09-1983 i.e. before 3 months of

completion of probation my service were terminated with the reason not found fit for confirmation as per Kutch Gramin Bank Staff service Regulation para 8 (3) copy enclosed. Next para of this letter had been incorporated, there was a dispute between the Kutch District Rural Development Agency and Extension Officer Taluka-Panchayat and the local leaders regarding some IRDP case financed in the political arranged Loanmela at Parsonedi thereafter in the case it has been incorporated that I was granted anticipatory bail on 28-08-1984 without mentioning the PS case number or mentioning about factum of FIR. Then in next para of the letter it has been incorporated I assure you there is no case of any type pending against me in the court police station nor in Kutch Gramin Bank. This letter is dated 10-10-1985 whereas the delinquent workman admittedly had obtained anticipatory bail on 28-08-1984 much before his appointment in the Bank and also much before filling up the Bio-data form/attestation form dated 18-03-1985. It can very well be inferred that such fact was quite known to the delinquent workman that though he is not named in FIR Anjar P.S. 15/84 but his complicity has also come in connection with this case with allegation of embezzlement and so apprehending his arrest in connection with Anjar PS Case No. 15/84 applied for anticipatory bail and obtained the anticipatory bail. But all these facts that the police has also involved him and made as non- F.I.R. accused during investigation and he was to be arrested and so apprehending his arrest he obtained anticipatory bail on 28-08-1984 those facts were quite known to the delinquent workman but knowingly and purposely he in the pre-formalities of filling up of the Bio-data form/attestation form at Ext. 22 which is dated 18-03-1985 filled column 21(a) & (b) as 'no'. Meaning thereby he concealed the vital facts of his involvement in the Criminal Case and as to obtaining the anticipatory bail apprehending his arrest and also as to pendency of the Criminal Case against him in which, subsequently chargesheet was also submitted so the misconduct under the chargesheet Ext. 15 has been proved and his gross misconduct was also within meaning of clause 19.5 (J) together with clause 19.5 (M) though not clearly incorporated in the chargesheet but on this count it does not appear that the management of Bank has not adopted principles of nature justice and fair play in conducting departmental enquiry. More so, the misconducts categorized under clause 19.5 from a to m and also other misconducts subsequently added as gross misconduct are to be punished under clause 19.6. Under clause 19.6, the punishment have been categorized and 19.6 (a) is regarding punishment of dismissal without notice. So, such argument advanced on behalf of the second party workman that the management of Bank can be said to have waived misconduct since he had already worked four and half years after his appointment and even after filling of his Bio-data form dated 18-03-1985 does not appear to be plausible. On scrutinizing of the papers as

discussed above, more so, two examples of misconduct of the Bank staff under clause 19. 5 (M) which has also been discussed above are based on different facts and are much more lesser misconduct as to the concealment of facts in column no. 19, whereas the misconducts on part of the delinquent workman both as to concealment of vital facts of his previous employment and termination of service as probationary officer in column No. 19 as well in column No. 21 (a) and 21(b) together with concealment of Criminal Case pending against him in which he obtained bail but concealed such fact are based on much graver footings. More so, delinquent workman had earlier been terminated during his probation period as not found fit for confirmation by his previous employer management of Kutch Gramin Bank, Bhuj when he had been found involved in the misappropriation embezzlement of money along with others and the Criminal Case had been filed with the Anjar Police. So, the previous career of the delinquent workman was also having with checkered history as he had been terminated from the post of probationary officer as not found fit for confirmation. Such fact was concealed by the delinquent workman in the Bio-data form dated 18-03-1985. More so, his involvement in the Criminal Case and obtaining bail in connection with the case was also concealed in the bio-data form Ext. 22. It can also be examined from another angle that the delinquent workman had lost confidence of his previous employer Kutch Gramin Bank, Bhuj while he was posted as Probationary Officer and during the period of Probation he was not found fit and was terminated and this fact was purposely and knowingly concealed while applying for the post of clerk-cum-cashier in the erstwhile State Bank of Indore, Gandhidham and as per pre-appointment formalities he had to fill the Bio-data/attestation form and since work in the Bank even as cashier or assistant requires confidence and creed, but that aspect was concealed with the Bank Authority only for purpose of getting appointment. Had the delinquent workman submitted the information in column No. 19 and 21 perhaps he would not have been called for interview for the post of clerk as looking to the misconduct which he has committed. So, even though the delinquent workman had been in the bank service for four and half years before he was served with show cause notice followed by memorandum of chargesheet it cannot be said that the management Bank had waived his misconduct and the delinquent workman has right to continue on the post to which he had been appointed.

15. From perusal of the order of punishment passed by the disciplinary authority as well its confirmation by the appellate authority I also find that the previous record of the delinquent workman was also considered while awarding punishment and since the previous record of the delinquent workman was not good and satisfactory so there was no other alternative then for awarding

punishment of dismissal without notice under clause 19.6 (a) of the bipartite settlement. More so, acquittal of the delinquent workman in criminal trial by Anjar Judicial Magistrate's Judgment dated 07-01-1992 has got no bearing in connection with reconsideration of his punishment of dismissal without notice because the charges under which delinquent along with other co-accused had been tried was concerning the period of work as probationary officer in Kutch Gramin Bank whereas chargesheet as per Ext. 15 was issued to him as to gross misconduct of concealment of facts in the Bio-data form/ Attestation form. More so proof of guilt under Criminal Case depends upon proving charges beyond all reasonable shadow of doubts. But the proof of misconduct under domestic enquiry has to be considered on preponderance of evidence.

16. Case law cited on behalf of the second party workman are as follows:—

(1) 1980 GLR 657

(2) 1984 SCC L&S 42

(3) 1986 (II) LL & N 525

(4) The judgment of the Mumbai High Court Suresh Karkre V/s S.B. Novagi P.O. cite not clear marked 10 with the written argument on low point and the judgment of the Hon'ble Gujarat High Court S.C.A. No. 5228/83 Marked 6.

(5) Rajasthan High Court Judgment reported in connection with S. Kumari and State of Rajasthan and others marked 11.

(6) Madras High Court Judgment in case of Bala Subraminayn Pillai and G.M. Tamil Nadu Small Industries and others marked 12.

(7) Xerox copy of doctrine of waiver marked 13.

(8) AIR 1966 SC 1313 (Marked 14).

(9) AIR 93 SC 1197 marked 15.

(10) And Judgment of Hon'ble Supreme Court in Civil Appeal No. 3091 of 1985 marked 16.

and the letter of advocate notice to the delinquent workman dated 11-03-1996 marked 17 regarding the demand of payment of gratuity by the workman do not appear to be applicable in the instant case and in view of proved gross misconduct of the delinquent workman, for purpose of interfering with the punishment awarded to the delinquent workman by the disciplinary authority under provision of section 11 A of the I.D. Act. Earlier on behalf of the second party workman along with the written argument dated 22-04-2003 (Ext. 27) also several case laws have been cited reported in 1981 Lab IC 233 (Kerala High Court) 1994 LAB IC, 367 Punjab & Haryana High Court, AIR 1983 High Court 149, judgment passed by the Gujarat High Court in SCA No. 5228/83, judgment passed by the

Hon'ble Supreme Court in Civil appeal No. 480 of 73 in case Shankardas and Union of India and Another AIR 96 SC 165, 1992 LAB IC 447 Karnataka High Court, but those are not also applicable and fit in the case of the delinquent workman for awarding lasser punishment or for setting aside the punishment. On the other hand the first party (management of bank) has also relied upon as many as 10 case laws reported in (1) 2002 (II) LLN 345 SC (I), 1999 LAB IC 317 Bombay High Court (3), 1991 LLJ 1313 SC, 1999 FLR 68 page 641 Bombay High Court, 2002 (1) GLH (U35), Gujarat High Court, 2002 (I) CLR 345 Supreme Court, 2002 (2) LLN 289 Rajasthan High Court, 2003 LLR 493, 2001 89 FLR 47 Madhya Pradesh High Court and 1976 SC Case (labour and service) page 92 SC has been cited, in such support that principle of natural justice and fair play have been adopted by the management Bank while conducting departmental enquiry and after proved misconduct to the charge sheet as per enquiry report and after giving second show cause notice and all opportunities to the delinquent workman and also considering the previous service history of the delinquent workman the disciplinary authority's order of punishment cannot be interfered under provision of section 11 A of the I.D. Act.

17. After careful consideration of the materials on the record and also on the facts and circumstances and also consideration of the submissions made by the parties together with the reliance placed upon the case laws by both sides, I am of the considered opinion that the order of punishment of dismissal without notice dated 26-08-1993 as Ext. 20 imposed upon the delinquent workman Shri Velji Vishram Chawda is in accordance with proved misconduct of the delinquent workman and is not in any way shockingly disproportionate to the gravity of misconduct and charge levelled. So, I further find and hold that there is no any ground for making interference in the punishment order imposed upon the delinquent workman by invoking the provision under section 11 A of the I.D. Act. Instead of I further find and hold that punishment awarded to the delinquent workman as to dismissal from service without notice is legal, proper and just. Accordingly issue no .V is answered in negative and issue No. VI is answered in affirmative.

#### 18. ISSUE NO. I, II, VII

In view of findings given to issue No. III, IV, V and VI in the foregoing paragraph, I further find and hold that reference is not maintainable and the second party workman has got no valid cause of action and so he is not entitled to get any relief in this case.

As per findings given in the forgoing paragraphs the reference as per schedule is answered in the affirmative in favour of the management of Bank that the action of the State Bank Indore (India) through its Regional Manager Bombay and its officers in terminating the service of Shri

Velji Vishram Chawda clerk/cashier State Bank of Indore (India) Gandhidham Branch vide order dated 26-08-1993 is just, valid and legal. The delinquent workman is not entitled to get any relief in this case.

This my award.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 15 मार्च, 2012

का. आ. 1347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय संस्टं बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कमेंटारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय पुने के पंचाट (सदर्भ संख्या 522/1999) का प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2012 को प्राप्त हुआ था:

[सं. एल-12025/01/2012-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2012

S.O. 1347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.552/1999) of the Labour Court, Pune as shown in the Annexure in the industrial dispute between the employers in relation to the management of State of India and their workmen, received by the Central Government on 14-3-2012.

[No. L-12025/01/2012-IR (B-I)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

BEFORE SHRI S. G DESHMUKH, PRESIDING OFFICER, 2 ND LABOUR COURT, PUNE

Ref. (IDA) No.552/1999

Between:

State Bank of India,

Region III, East Street,

Bundgarden, Pune.

(Maharashtra)

... First Party

And

Shri Ashok Tukaram Shiralkar

R/o Halgaon,

Taluka : Jamkhed,

District: Ahmednagar

(Maharashtra)

... Second party

**PRESENT:**— SHRI S.G. DESHMUKH, JUDGE.

**APPEARANCES:** Shri Vipradas Advocate for first party  
Shri Shetty Advocate for second party.

### AWARD

(4-1-2012)

By letter dated 16-6-1999 Central Government referred action of management of State Bank of India, Region III,- Pune dated 31-3-1997 terminating the services of Ashok Tukaram Shiralkar to decide legality of termination.

2. After receipt of reference on 12-7-1999 both parties were directed to submit respective stand, issuing written notices. Accordingly, second party Ashok submitted statement of claim on 6-7-1999. It is marked as Ex.5. Similarly, first party on 19-11-1999 submitted written statement marked as Ex.13.

3. It is clear from the claim of second party that, he was in employment of the first party as a messenger- cum-peon at its Halgaon branch Taluka: Jamkhed, District: Ahemadnagar since 1984. Initially, Second party was appointed in the sanctioned post as a part time employee by the Branch Manager at Halgaon, as per the instructions of the first party. No appointment order in writing was given to the second party. The second party worked for about 10 days on daily wages basis. Thereafter he worked at Halgaon branch on daily wages as and when required or on part time basis from 1985 to 1990. No written orders in writing were issued to the second party. Thereafter again an appointment on daily wages was given in 1991 for 69 days. Thereafter second party was appointed on daily wages for 197 days in 1992, 236 days in 1993, 269 days in 1994, 98 days in 1995, 246 days in 1996 and 23 days till March 1997. Thereafter second party was ordered to work on contingency as per requirement and availability of work. In reality, second party was working continuously with first party without any break, gap or interruption in services. It is necessary to state that bonus amount and travelling allowance was also paid to the second party. The second party was working in a clear, vacant and existing post of permanent nature. He used to work like a regular employee in office time hours from 10.30 a.m.to 5.30 p.m. He was paid at the end of every month.

4. The first party is a body corporate having registered office at Madam Kama Road, Bombay and Divisional Offices throughout India and Abroad. A branch at Halgaon, 'Taluka: Jamkhed, District: Ahemadnagar is a branch of first party. The first party is the only competent appointing authority at Regional Office and the second party was working under it's direct supervision and control. The first party is the administrative head of entire banking business at Regional Level. No Branch Manager

is competent to employ or recruit the employ of first party. The salary of the employees, used to be paid through Branches at Branch. The service rules of the employees of the first party are framed by circulars/guidelines issued time and again by the Administrative branch. However, no necessary steps were taken by the Controlling Authority in advance for vacant post.

5. The second party was continued in service and was paid regularly by Halgaon branch.

6. In view of guidelines and instructions of the first party, Branch Manager at Halgaon branch forwarded information and statement of work done of second party to the first party. The second party was called for interview on 18-1-1992 at Nashik and his name was included in the waiting list Sr.No.33 dated 1-3-1997. The second party being other Backward Class caste produced caste certificate. He is educated upto 10th standard

7. On 8-2-1989 by letter No.002229, first party informed second party that work carried by Second party through Staff Welfare Fund activity is not acceptable. In fact second party was working at Halgaon branch from January, 1984 to December 1994 and was paid Rs. 75 per month through Staff Welfare Fund Account for preparing Tea, bringing water etc. Accordingly, a certificate dated 10-5-1991 was issued. Before it, another certificate dated 6-7-1984 was also given to the second party. It was clarified in the certificate dated 26-6-1991 that second party worked as waterman sweeper from 20-5-1991 to 25-6-1991. The second party was called on for interview at Nashik on 18-1-1992 in view of application dated 5-9-1991 and call letter dated 9-1-1992. The second party found suitable was included in the waiting list at Sr. No. 33. It is alleged that, other 32 temporary employees from waiting list were absorbed in service. The second party was working in place of Shri M.B.Hiwale and Shri A.S.Gaikwad in clear, vacant and existing post. The second party was not considered for regular post and so an application was submitted on 6-10-1992. Accordingly, Branch Manager recommended name of second party by letter dated 15-11-1994. However, it was informed orally that appointment of second party could not be continued. Therefore, second party forwarded an applications dated 23-5-1995, 1-1-1996 and 18-1-1996. Similarly, union also submitted applications dated 1-2-1996 and 12-2-1996. Neither was considered by the first party. On the contrary, by letter dated 15-2-1996 first party informed that name of the second party is included in the waiting list of seniority. So, second party was not provided opportunity of regularization of his services. The captioned union by letter dated 12-3-1996 brought above referred facts to the notice of Assistant General Secretary of the union. By letter dated 12-3-1996 it was informed that the name of second party will be considered for permanent appointment as per seniority and he shall avoid further correspondence. In

view of pursuasion by union, the first party called information of the second party by Telephone on 21-3-1997. There are no temporary employees working at Halgaon branch of first party and second party worked about 783 days, is entitled for continuity in service. He is having required educational qualification. The first party is taking undue advantage of growing unemployment. So second party is treated with disremination for the right of employment and as a result abruptly his services were discontinued with effect from 31-3-1997. The action is contravention of section 25 F of Industrial disputes Act, 1947. Neither notice nor one month's wages or compensation was paid to the second party. Similarly, no enquiry was held against the second party. Thereby in view of ratio from 1992 I CLR (63), services of the second party are required to be regularized declaring action dated 31-3-1997 as illegal. Similarly, directions are necessary to the first party to maintain seniority list giving all benefit of seniority to the second party. Hence, this claim.

8. It appears from the defence of first party that it challenged territorial jurisdiction of this Court to entertain the reference in hand. As per first party, second party was in the employment towards Halgaon branch in Ahmednagar district and therefore this Court is having no jurisdiction to entertain the reference. In reality, second party served towards Halgaon branch from 20-5-1991 to 25-6-1991 as a temporary and thereafter was not in the employment of the said branch. Therefore, second party cannot claim right of employment as prayed. The first party denied strongly that services of the second party were utilized against clear, vacant and existing post of permanent nature. Similarly, it is further denied that Halgaon branch utilised the services of the second party as per requirement in between 1985 to 1990. The first party further denied total number of days shown by second party as working days in his statement of claim. The claim of the second party that he was in continuous service from 1991 to March 1997 is also further denied by the first party. Similarly, claim of second party that since 1984 he served as a part time employee is also objected by the first party. It is submitted that first party never given instructions to the Branch Manager to appoint second party and the said Branch Manager is having no authority to appoint second party. The contention of the second party that he worked without any break, gap, interruption is also denied by first party. It is further denied that second party's name was included at Sr. No.33 of waiting list dated 1-3-1997. In fact, second party was in the employment for a temporary period & after said period was informed that he is not in employment. The employment of the second party in Staff Welfare Activity cannot be acceptable for the purpose of employment at Halgaon branch. The said appointment has nothing to do with the claim for employment in the first party Bank.

9. The employees of the first party are governed by service rules and regulations. As per rules, first party prepared seniority cum waiting list for the absorption of temporary employees in regular posts & accordingly, first party called second party for interview in view of agreement with the union. The second party worked for temporary period as per settlements dated 17-11-1987, 16-7-1988, 27-10-1988 and 9-1-1991. Accordingly his name was included in the seniority list. The temporary employees were absorbed in the employment as per District wise seniority list prepared. There was no vacancy at Halgaon branch, second party was not considered for appointment. It is denied that second party by application dated 6-10-1992 requested for absorption in regular post and Branch Manager recommended his name to the first party. It is further denied that Branch Manager informed second party that appointment will be considered as per the directions of the first party.

10. The allegations of the second party that he was not provided opportunity of regularization and was compelled to work in full time hours from 10.30 a.m. to 5.30 p.m. are denied by first party. The allegations that, other temporary employees in seniority list were absorbed and right of second party was denied, are denied by the first party. In fact, there were 21 candidates in the waiting list of 1999 and out of them, 12 were absorbed. No one from the waiting list of 1992 was given permanent appointment upto 31-3-1997 i.e. upto the expiry date of the said waiting list. The second party worked 44 days only prior to his interview for waiting list of 1992 and his list number was 21. He was a local wait listed candidate and his services were utilised by Halgaon branch from 1991 to 1997 on temporary basis. The first party denied that second party worked in clear, vacant and existing post in places of Sarvashri Hiwale and Gaikawad.

11. The service conditions and recruitment of the Bank employees are governed by Shastray Award, Desai Award and settlements in between Bank and Staff Federation. There were number of temporary employees working in the Bank with a intention to regularise. Bank and Staff Federation entered into an agreement and two waiting lists were prepared in the year 1989 and 1992 in terms of the circular No. KCI/22 dated 13-7-1988 and agreement dated 9-9-1991. Accordingly, District wise eligible candidates were considered and were called for interview. As per the agreement dated 30-7-1997 waiting list candidates were absorbed in the Bank's service as and when vacancies arise. Thereafter waiting list was scrapped and so the candidates cannot claim right over the post. The appointment in temporary capacity are totally banned in terms of instructions in Chapter 31 of Reference book of staff members. The second party never worked under control and supervision of the first party and was never paid by the first party. In view of temporary vacancy towards Halgaon branch in 1991 second party

was appointed temporarily by Branch Manager and served only for 69 days. Thereafter in 1991 second party was not in the service. In 1992 again second party was appointed temporarily whoe worked for 197 days only. Each appointment was temporary out of independent contract. In 1993 second party was again appointed for temporary period and not served continuously. He served time to time from 1991 till 1997 temporarily and had left the employment at Halgaon branch. As per the agreement with All India State Bank of India Staff Federation on 6-10-1992, name of second party was taken on waiting list for the year 1992. The educational qualification and caste of second party is having no relation with the right of employment. The appointments in the Bank are as per seniority list and are need based on the availability of post. The Bank never shown favouritism to anyone. The first party could not consider the second party for appointment as there was no vacancy and seniority list was scrapped on 19-3-1997. The second party represented his case to the Bank through union and informed about scrapping waiting list and non available of posts. In reality there was break in the service and each temporary appointment of second party was independent contract. So second party is having no right of permanency and thereby no question of contravention of Section 25F of Industrial Disputes Act 1947. There was no need to pay compensation or issue notice to the second party before action in question. The second party has not worked for more than 240 days in the year 1997 and so cannot claim the right of permanency. He worked only for 22 days in the year 1997. So claim of the second party is not acceptable.

12. In view of above claims, my predecessor firstly on 11-5-2005 and latter on 2-12-2006 framed issues at Ex.22.

13. Heard Shri Shetty, Advocate for second party who relied on Jairaj N. Shetty Vs. Union of India reported in 2005 (4) Mah. Law Journal 163 in support of his arguments. Shri Vipradas who argued for first party placed reliance on Sohan Singh and Labour Court reported in 1998 (80)FLR-570, Iqbal Ahmad Vs. P. L. Majumdar and another reported in 1962 (64)FLR- 827, Navodaya Vidyalaya Vs. Smt. K.R. Hemavathy reported in 2000 Lab. IC- 3745, Accounts Officer Vs. P. Chandra Shekhar Rao and others reported in (2006) 7 SCC- 488 and U.P. State Brassware Corporation Limited Vs. Uday Narayan Pande reported in (2006) 1 SCC- 479.

14. The available record shows that twice second party filed evidence by way of affidavit at Exhibits 30 and 81. On the other hand, first party examined Appasaheb Kadam at Ex.55 and by purshis Ex. 83, the same evidence was adopted after evidence at Ex. 81 of second party. Along with above referred oral evidence, documentary evidence i. e. Memorandum dated 1-4-1994 Ex.84, letter dated 6-7-1984 Ex.34,letter dated 1-8-91 Ex.35, letters dated 20-6-1992 Ex.36 and 37, letters dated 20-5-1992, 30-9-1992

at Ex. 38 and 39, memorandum dated 2-1-1993, 6-4-1993, 12-7-1993, 31-12-1993, 1-8-1994, 1-9-1994, 1-10-1994, 1-4-1995 are from Ex. 40 to 47, Similarly, application from second party dated 9-1-1992 at Ex. 48, application from second party dated 19-2-1996 at Ex.85, letters from first party at Ex. 49 to 53 are there on record.

15. In view of above stated evidence and in view of arguments heard framed issues are answered by me with below mentioned reasons.

ISSUES	FINDINGS
1. Whether the termination of services of Shri Ashok Tukaram Shiralkar is legal proper and just?	... Yes.
1-A Whether this Court has jurisdiction to entertain this reference?	... Yes.
2. What relief?	... See final order.
3. What order?	... As per final order.

#### REASONING

16. As to issue No.1-A: The issue going to the root of the dispute is specifically discussed firstly by me. The reason for such discussion is that, in a dispute, territorial jurisdiction of the Court goes to the root of the dispute and unless the Court is having jurisdiction, dispute is not entertainable. In view of above stated legal position and in view of defence reflecting in written statement and as argued by Shri Vipradas, issue in hand is discussed firstly. In that regard, it is necessary to mention, firstly that, this Court cannot go outside the dictum of reference forwarded by competent authority i.e. appropriate Government. Exhibit 1 which is an order from Central Government wherein Schedule of the order speaks that action of management of State Bank of India, Region III Pune terminating the services of Shri Ashok Tukaram Shiralkar (second party) dated 31-3-1997 is forwarded for determination. So this Court cannot go outside the schedule in Ex. 1 above state Shri Vipradas relying on pleading as well as an authorities from 1998 (80) FLR- 570 and 1992 (64) FLR- 827 respectively from Punjab and Haryana High Court & from our Hon. High Court strongly objected territorial jurisdiction of this Court, Thereby one has to consider Section 10 of Industrial Disputes Act, 1947 with the facts of the dispute and ratios relied. It is needless to say that Section 10 from Chapter III of Industrial Disputes Act, 1947 exhaustively states about industrial dispute & reference to Boards, Courts or Tribunals. Needless to say that section authorises appropriate Government to decide fact of reference to be decided by Court of law. Here it is not the case of the first party that order of reference from Central Government was questioned before Hon. High Court at any time. Therefore, in view of section 10(1) (d) first party is estopped from saying before this Court that, this Court is having no

jurisdiction to entertain the reference. It was necessary for the first party to challenge Ex. 1 schedule reference before Hon'ble High Court and admittedly, it is not the case of the first party. So, in view of settled legal position that this Court cannot traverse beyond forwarded reference, and in view of clause (d) sub clause (1) of Section 10 of Industrial Disputes Act, 1947, this Court is competent to entertain the reference.

17. To negative arguments of Shri Vipradas, available record is, also material to be reproduced. The first party objecting jurisdiction had not placed on record such document showing that first party was not having any concern with the industrial dispute in hand. On the contrary, total reading of record available reveals that first party along with its Halgaon branch in Ahemadnagar district jointly played roll for the dispute in hand. In view of such record, I hold that initial burden of ousting the jurisdiction of this Court is not discharged by first party and thereby, it is another reason to reject argument of Shri Vipradas.

18. Now few words about relied authorities. In 1998 (80) FLR-570, Hon'ble Punjab and Haryana High Court considering Sections 2 and 10 of Industrial Disputes Act, 1947 set aside the award of Labour Court. In that case, there was no order passed against the workman at Chandigarh and the head office of respondent No.2 was in district Ambala. This fact was not considered properly by the Labour Court and thereby award was set aside. Here, admittedly first party is regional office of the Branch wherein second party admittedly worked. So, relied authority will not help present first party.

19. Our Hon. High Court in 1992 (64) FL.R-827 dealt with what is "an industrial dispute" as per Sections 10, 10(4) and 11 of Industrial Disputes Act, 1947. The Hon'ble High Court categorically laid down that ..... I quote..... it is settled law that appropriate Government makes a reference upon a prima facie view of the matter as to the existence or apprehension of an industrial dispute. It is open to the parties to show that what is referred is not in reality an industrial dispute at all ..... The record discussed by me in foregoing para reveals that the above authority will certainly help second party and not first party employer. So authority will not help first party.

20. In view of above discussed facts, I hold that this Court is having jurisdiction to entertain the reference and thereby issue is answered in the affirmative.

**21. As to issue No. 1:** Admittedly, the action of termination of second party is dated 31-3-1997. Admittedly, the employer is a Bank established by Central Government. Needless to say that employer is such an entity which must be governed by rules, regulations, notifications and circulars etc. Keeping in mind the status of employer, let us consider the story of termination of services. Before it, it is necessary to mention that fact of termination as well as illegality of termination has to be proved by the second

party. In that regard, I gathered from the statement of claim Ex. 5 as well as solitary evidence of second party that ambiguity is there how the termination occurred. The entire statement of claim as well solitary evidence of second party is not throwing sufficient light about action of termination. Neither statement of claim nor evidence on oath stating which officer of the Bank told present second party that his services are not required with effect from 31-3-1997. So I hold that fact of termination is not brought on record with clarity by second party before me.

22. Now let us consider legality of illegality of action dated 31-3-1997. It is clear from the statement of claim as well as solitary evidence of second party that having some breaks, second party was appointed in the course of time. The documentary evidence particularly Ex.33 collectively which is memorandum from Ex .38 to 47 reveal the above referred conclusion drawn by this Court. Ex.33 collectively stands admitted by second party as true and correct in his cross-examination on oath. Thereby one has to consider Ex.33 in totality. Ex.33 are the memorandum in between 1992 to 1995 and reveal that for specific period in each year, present second party was appointed temporarily. The entire documentary evidence bear signatures of second party showing consent to the document. It means Ex.33 reveals the right of employment of present second party. Ex. 33 has to be considered in view of Section 25 B, 25 F read Section 2(oo) (bb) of Industrial Disputes Act, 1947. Needless to say that to consider right of continuous service for 240 days in a calendar year, and for 120 days for 6 months, are the facts to be considered. The reading of Ex. 33 collectively categorically established that right of second party stands in Section 2 (oo)(bb) of Industrial Disputes Act, 1947 and thereby second party cannot claim relief under Section 25F of Industrial Disputes Act, 1947. The entire Ex.33 nowhere reveals compliance of Section 25F of Industrial Disputes Act, 1947. It means, second party was appointed for specific period in each year calendar year from 1992 to 1995 on contractual basis. As stated earlier, Ex. 33 is admitted by second party and therefore, I hold that second party failed to establish his right of service as laid down in Section 25 F of Industrial Disputes Act, 1947.

23. I gathered from the additional affidavit of second party at Ex.81 that he is trying to establish the services from 1994 to 31-3-1997. I considered carefully the relied certificates below Ex.56 ,65 and 73 and in my view none will establish the right of continuity of service of second party. None of the certificates stand proved as stated by second party in his evidence. So I am not impressed by the story of the second party stating salts vide Ex.81. Moreover, sitting officer of Branch of FP at Ex. 55 stands disproved the evidence of second party at Ex. 81.

24. I am aware that second party through his Advocate tried to avail the benefit of production of documents through the custody of first party. I am further

aware that my predecessor directed to produce documents particularly muster roll etc. vide order below Ex. 14. In my considered view, the order below Ex. 14 will not damage the stand of first party as it was for the second party to establish continuous service from the appointment till the date of termination. The second party through admitted documentary evidence Ex. 33 collectively failed to establish it and thereby order or my predecessor below Ex. 14 will not destroy the stand of first party.

25. The additional documentary evidence from Ex 34 to 37, 49 & 50, 53 also shows that second party was appointed for specific period on contract basis. The above referred documentary evidence also took the claim of second party outside Section 25 F of Industrial Disputes Act 1947. The claim the second party is surrounded under Section 25 F of Industrial Disputes Act, 1947 only. There is neither case of enmity, unioism or partiality on the ground of caste etc. is placed on record. Therefore, one will say that the second party failed in his claim in establishing the right under Section 25 F of Industrial Dispute Act, 1947.

26. Now few words about relied authority by Shri Shetty Advocate for second party, Our Hon. High Court in relied authority considered the expression, " Continuous service" laid down in Section 25B of Industrial Dispute Act. 1947. In that case, workman who was railway employees established continuous service of 240 days in proceeding year of action of termination. Thereby Hon. High Court upheld award of Tribunal for reinstatement. Here, the evidence of second party himself particularly Ex. 33 collectively failed to establish continuous service from 1992 to 1995. Thereby authority will be no use to the second party.

27. In view of relied authorities by Shri Vipradas and in view of discussed evidence , I hold that termination of services of Shri Ashok Shiralkar was legal, proper and just. so issue is answered in affirmative.

28. As to issue No. 2:— In the result, the second party is not entitled for any relief as action against him is legal and proper. So I reject reference and pass following final order.

#### ORDER

1. Reference stands rejected.

2. The workman Shri Ashok Tukaram Shiralkar is not entitled to reinstatement with continuity of service or back wages.

3. Award be sent to the Deputy Commissioner of Labour, Pune, for publication.

4. No order as to costs.

Pune:

Dated 4-1-2012

S. G. DESHMUKH, Presiding Officer

नई दिल्ली, 16 मार्च, 2012

**का. आ. 1348.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट

वेक के प्रबंधनतंत्र के मंदिर नियंत्रकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अम न्यायालय, भुवनेश्वर के पंचाट ( संदर्भ मंड़बा 36/2008 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2012 को प्राप्त हुआ था।

[नं. नं. L-2012 25/2008-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 16th March, 2012

**S.O. 1348.** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the industrial dispute between the management of State of India and their workmen, received by the Central Government on 16-3-2012.

[No. L-2012 25/2008-IR (B-1)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

##### Present:

Shri J. Srivastava,

Presiding Officer, C.G.I.T.-cum-Labour Court.  
Bhubaneswar.

#### INDUSTRIAL DISPUTE CASE NO. 36/2008

Date of Passing Award - 6th March, 2012

##### Between:

The Assistant General Manager,  
State Bank of India, Bhubaneswar  
Main Branch, Bhubaneswar,  
Dist. Khurda (Orissa). ... 1st Party-Management  
(And)

Their workman Sri Dhirendra Mohan Tripathy,  
Qrs. No. VR-5/1, Kharvela Nagar, Unit-3,  
Bhubaneswar (Orissa) ... 2nd Party-Workman

**Appearances:**  
Shri Alok Das. For the 1st Party  
Authorized Representative Management.  
None. For the 2nd Party Workman

#### AWARD

The Government of India in the Ministry of Labour has referred the present dispute existing between the employers in relation to the Management of State Bank of India and their workman under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act vide their Letter No. L-2012/25/2008/IR (B-1), dated 2-6-2008 to this Tribunal for adjudication to the following effect:

**"Whether the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Sri Dhirendra Mohan Tripathy w.e.f. 30-9-2004, is fair, legal and justified? To what relief is the concerned workman entitled?"**

2. The 2nd Party-workman has filed his statement of claim alleging that he had joined his services as a Messenger on temporary/casual/daily wage basis on 23-5-1988 after succeeding in interview. He was assured to get permanent appointment order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory service and putting in more than 240 days' work in each year he was not regularized, instead terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural Justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He therefore brought the matter into the notice of the C.G.M. and C.D.O. of the State Bank of India, L.H.O. Bhubaneswar. But on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 21-2-2005. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government and the Government made the present reference. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-workman had already raised a similar dispute along with 124 other workers through the State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Asst. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I. D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 31 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asst. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he had joined the Bank

on 23-5-1988 and was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. In order to give an opportunity for permanent absorption to the ex-temporary employees/daily wagers in the Bank in view of the various settlements entered into between the All India State Bank of India Staff Federation and the Management of the State Bank India all eligible persons were called for interview. The 2nd Party-workman was also called for an interview along with other eligible persons in the year 1990 and 1993. As he was not found successful in the said interview he could not be appointed in the Bank. The Union or the 2nd Party-workman has never challenged the implementation of the settlement which has now gained finality. It is further submitted that some of the wait-listed candidates, who could not be absorbed in the Bank's service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15.5.1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. This order of the Hon'ble High Court was also upheld by the Hon'ble Supreme Court of India in S.L.P. No. CC - 3082/1999. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Sri Tripathy were terminated in July, 1990 his claim has become stale by raising the dispute after lapse of a period of 15 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 15 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed:—

#### ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before this Tribunal on the same issue is legal and justified?

2. Whether the workman has worked for more than 240 days as enumerated under Section 25-F of the Industrial Disputes Act?

3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Dhirendra Mohan Tripathy with effect from 30-9-2004 without complying the provisions of the I.D. Act, 1947 is legal and justified?

4. To what relief is the workman concerned entitled?

5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings at the stage of evidence by absenting himself or his Union representative.

6. The 1st Party-Management has adduced the oral evidence of Shri Abhay Kumar Das as M.W.-I and filed documents marked as Ext.-A to Ext.-K in refutation of the claim of the 2nd Party-workman.

### FINDINGS

#### ISSUE NO. 1

7. A specific plea has been raised by the 1st Party-Management that a group of 125 employees including the 2nd Party-workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below for comparison with the dispute in the present case—

“Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workmen are entitled to?”

8. The name of the 2nd party-workman appears at Sl. No. 31 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered in one or the other way and the relief claimed is with regard to re-employment. But challenge has been made more specifically against the termination of service of the 2nd Party-workman in the present case while in I.D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested at the alter of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and against the 1st party management.

#### ISSUE NO. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed in on 23-5-1988 and worked till 30-9-2004 on temporary/casual/daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management, on the other hand, has alleged that

the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M.W.-I Shri Abhay Kumar Das in his statement before the Court has stated that “the disputant was working intermittently for few days in our branch on daily wage basis in exigencies ..... He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of termination”. He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that “In-fact the 2nd Party-workman has left working in Branch since, 1989”. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days in continuously during a period of 12 calendar months preceding the date of his so-called termination. Thus he is not entitled to get benefit of Section 25-F of the Industrial Disputes Act, 1947. This issue is hereby decided against the 2nd Party-workman for failing to prove that he had worked for 240 days continuously during a period of 12 calendar months preceding the date of his disengagement or alleged termination from service.

#### ISSUE NO. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during a period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment even in case of his alleged illegal and arbitrary termination. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Sri Dharendra Mohan Tripathy with effect from the alleged date of his termination is fair, legal and justified. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

#### ISSUE NO. 4

11. In view of the findings recorded above under Issues no. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 मार्च, 2012

**का.आ. 1349.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 41/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2012 को प्राप्त हुआ था।

[सं. एल-12012/127/2008-आई आर (बी-1)]

रमेश सिंह, डंस्क अधिकारी

New Delhi, the 16th March, 2012

**S.O. 1349.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/2009) of the Central Govt. Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 16-3-2012.

[No. L-12012/127/2008-IR (B-I)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

##### Present :

Shri J. Srivastava,  
Presiding Officer, C.G.I.T.-cum-Labour Court,  
Bhubaneswar

##### Industrial Dispute Case No. 41/2009

Date of Passing Award-2nd March, 2012

##### Between :

1. The Chief General Manager,  
State Bank of India, LHO,  
Pt. Jawahar Lal Nehru Marg,  
Bhubaneswar, Orissa.
2. The Branch Manager,  
State Bank of India, Chakapada,  
Kandhamal Distt.  
... 1st Party—Management  
and

Their workman Shri Pruthibi Gantayat,  
At./Po. Chakapada, Kandhamal Distt.

... 2nd Party—Workman

##### Appearances :

Shri P.K. Mohanty,  
Chief Manager, Law.

... For the 1st Party—  
Management

Shri Pruthibi Gantayat.

... For Himself—  
2nd Party—  
Workman.

#### AWARD

The Government of India in the Ministry of Labour has referred the present industrial dispute existing between the employers in relation to the management of State Bank of India, LHO, Chakapada and their workman in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-12012/127/2008-IR(B-I), dated 9-11-2009.

2. The dispute as mentioned under the schedule of the reference is reproduced below :

“Whether the action of the management of Chief General Manager, State Bank of India, Orissa Circle, in not re-employing Shri Pruthibi Gantayat, Ex-Temporary Messenger in services, is justified? If not, what relief is the applicant entitled?”

3. The 2nd Party—workman in pursuance of the letter of reference has filed his statement of claim wherein he has stated that he was appointed as a messenger at Chakapada Branch of the State Bank of India where he had put in service of 228 days. After that he had attended the interview for permanent service in State Bank of India, but the State Bank of India authorities selected junior candidates for the said post and he could not get his job. Now he is maintaining a helpless life with his family members. He has prayed for employing him as a messenger in the State Bank of India otherwise award him Rs. 10 lakhs for maintenance of his family.

4. The 1st Party—Management No. 1 and 2 have filed joint written statement in which they have stated that the present claim of re-employment after a lapse of several years is a stale claim and the reference in this regard without any specific date etc. is vague in law and liable to be rejected. Temporary employees who have completed 90 days or more days' service as on 31-10-1984 were given a chance for being considered for permanent appointment as per settlement entered into between All India State Bank of India Staff Federation and the Management of State Bank of India. Accordingly panels were prepared by the Bank for vacancies upto the year 1994, which were filed up and thereafter the panels expired with effect from 1-4-1997. Some of the wait-listed candidates including the disputant filed Writ Petitions before the Hon'ble High Court of Orissa. The Hon'ble High Court of Orissa vide its common judgment passed in the case of Abhimanyu Mandal-Versus-State Bank of India dismissed the Writ Application on 15-5-1998 and in the process the selection and appointment of messenger made in pursuance of the said settlement became legal and proper. The said judgment was challenged before the Hon'ble Supreme Court of India in S.L.P. No. 3038/99 and the same was dismissed vide order dated 16-7-1999 upholding the judgment of the Orissa High Court. Now the question of

appointment/re-employment of messengers has set at rest and reached finality and is no more open for further adjudication. The disputant along with other workers had also filed O.J.C. No. 6784/95 in the Hon'ble High Court of Orissa, which was disposed of vide judgment dated 13-11-2006 and the petitioner was afforded an opportunity to make representation before the Management, who was directed to consider and decide their representation after personal hearing within a period of four months from the date of receipt of the representation. Subsequent thereto the disputant along with 10 others submitted a representation on 24-11-2006 before the Chief General Manager, State Bank of India, who gave a personal hearing to them and after hearing and considering their representations rejected the same. The disputant was a wait-listed candidate. Since the panel had expired on 31-3-1997 he has no legal right to claim any appointment. It is denied that any juniors were appointed without due process of selection.

4. On the pleadings of the parties following issues were framed :

#### ISSUES

1. Whether the action of the Management of Chief General Manager, State Bank of India, Orissa Circle, in not re-employing Shri Pruthibi Gantayat, Ex-Temporary Messenger in services, is justified?
2. Whether the workman being an ex-temporary Messenger can get the relief of re-employment.
3. To what relief the workman is entitled?

5. The 2nd Party-workman Shri Pruthibi Gantayat has examined himself as W.W.-1 in evidence and proved four documents marked as Ext.-1 to Ext.-4.

6. The 1st Party-Management examined Shri Dutikrushna Dash, Manager of Chakapada Branch of State Bank of India as M.W.-1 and proved four documents marked as Ext.-A to Ext.-D.

#### FINDINGS

##### Issue No. 1

7. As per his own admission in his statement of claim the 2nd Party-workman has worked for 228 days at Chakapada Branch of State Bank of India. He has filed certificate of temporary service dated 26-7-1991 marked as Ext.-2. This shows that he had worked for 90 days between the period 1-7-1975 to 31-7-1988 in Chakapada Branch of State Bank of India. He has also filed Ext.-3, a statement showing month-wise break up of work rendered by him, but it has not been written in that statement as to where he had worked for that period. He had not rendered more than 99 days work in any year. He has admitted in his cross examination that he was in leave vacancy and he had not worked for 240 days from

the year 1987 to 1988. From February, 1996 to March, 1997 he had also not worked for 240 days. Ext.-3 shows that he had worked only for 66 days from February, 1996 to March 1997. Therefore he cannot be said to be entitled to the benefit of Section 25-F of the Industrial Disputes Act. He has also admitted that his name was enlisted in the panel and that panel is not valid at present. Undoubtedly the panel has expired after 31-3-1997.

The Management witness No. 1 Shri Dutikrushna Dash has denied the fact that the disputant had worked for 240 days and also that juniors to the disputant were given regular appointment.

8. The disputant had filed O.J.C. No. 6784/1995 in the Hon'ble High Court of Orissa which is said to have been dismissed with certain directions and in pursuance of those directions the disputant along with 9 other workmen made a representation to the Chief General Manager, who after giving personal hearing to the workmen and considering their case rejected the same. Some of the wait-listed workmen also filed a bunch of Writ Petitions before the Hon'ble High Court of Orissa which were dismissed by a common judgment passed in the case of Abhimanyu Mandal and others—Versus—State Bank of India on 15-5-1998. The Special Leave Petition preferred by one Natabar Das before Hon'ble Supreme Court was also dismissed. Hence the matter of re-employment of temporary workers had attained finality and cannot be re-agitated now. Therefore the action of the Management of Chief General Manager, State Bank of India, Orissa Circle in not re-employing Shri Pruthibi Gantayat, Temporary Messenger in regular service is fully justified and not open to challenge. Issue No. 1 is decided against the 2nd Party-workman.

##### Issue No. 2

9. The claim of the 2nd Party-workman is for re-employment. From the side of the 2nd Party-workman ruling given in the case of "Central Bank of India-Versus-S. Satyam (AIR 1996 SC 2526)" has been relied. The Hon'ble Supreme Court has laid down in that case :

"Chapter V-A of the Act providing for retrenchment is not enacted only for the benefit of the workers to whom Section 25-F applies but for cases of retrenchment and, therefore, there is reason to restrict application of Section 25-F thereinonly to one category of retrenched workers. Therefore, restricted meaning cannot be given to the word "retrenchment" in Section 25-H. Section 25-H couched in wide language and is capable of application to all retrenched workers, not merely those covered by Section 25-F. It does not require curtailment of the ordinary meaning of the word "retrenchment" used therein. The provision for re-employment

of retrenched workmen merely gives preference to a retrenched workman in the matter of re-employment of other workmen and there is no reason to restrict ordinary meaning which promotes the object of enactment without causing any prejudice to a better placed retrenched workman."

10. In this view of the matter the disputant can get the relief of re-employment as temporary messenger provided there is any vacancy presently existing or arises in future. The management witness Shri Dutikrushna Dash, M.W.-I has stated in his examination-in-chief that "we have no post to re-employ the 2nd Party-workman at present". If in future any vacancy arises and exigency necessitates the 2nd Party-workman shall be entitled to be re-employed as per provisions of Section 25-H of the Industrial Disputes Act, 1947. This issue is decided accordingly in favour of the 2nd Party-workman.

#### Issue No. 3

11. In view of the findings recorded under Issue No. 2 the 2nd Party-workman is entitled to be re-employed on the post of temporary/causal/daily wage messenger in accordance with the provisions of Section 25-H of the Industrial Disputes Act, 1947 in any existing vacancy or arising in future in the State Bank of India, Orissa Circle, Orissa.

12. The reference is answered accordingly.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 मार्च, 2012

**का.आ. 1350.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/26 ऑफ 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2012 को प्राप्त हुआ था।

[सं. एल-12011/106/2008-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1350.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT 2/26 of 2009) of the Central Govt. Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 6-3-2012.

[No. L-12011/106/2008-IR (B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

#### PRESENT

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/26 of 2009

#### Employers in Relation to the Management of Bank of Maharashtra

The Chief Manager (Admn.)  
Bank of Maharashtra Thane  
Regional Office, Wagle Industrial Estate  
Thane 400 604.

#### AND

#### Their Workmen.

The Joint Secretary  
Bank of Maharashtra Employees Union  
45/47, Mumbai Samachar Marg  
Mumbai 400 023.

#### Appearances :

For the Employer	Mr. S.A. Kanade, Advocate.
For the Workmen	Mr. V.J. Ambedkar, Advocate.

Mumbai, dated the 3rd February 2012

#### AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-12011/106/2008-IR (B-II), dated 10-2-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of Maharashtra, Thane Regional Office, Thane by terminating the services of Shri Gopinath Panzhade w.e.f. 12-4-2007 is justified? What relief the workman, Shri Gopinath Panzhade is entitled to?"

2. After receipt of the reference, both the parties were served with notice of the reference. The second party workman appeared through his legal representative and filed his Statement of Claim at Ex-10. First party resisted the statement of claim of second party by filing their written statement at Ex-11. Issues were framed at Ex-12 and the matter was fixed for admission of documents.

7. However today the second party union has filed purshis. By this purshis, the second party union submitted that they do not want to pursue the case as the concerned workman has been taken back in the employment by the first party and requested to dispose of the reference as not pressed. In the circumstances, reference deserves to

be dismissed for want of prosecution. Thus I pass the following order :

### ORDER

The reference is dismissed for want of prosecution.

Date: 3-2-2012

K. B. KATAKE, Presiding Officer

नई दिल्ली, 19 मार्च, 2012

**का.आ. 1351.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/39/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2012 को प्राप्त हुआ था।

[सं. एल-12012/218/2003-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1351.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/ NGP/39/2004) of the Central Govt. Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 7-3-2012.

[No. L-12012/218/2003-IR(B-II)]

SHEESH RAM, Section Officer

### ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,  
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/39/2004

Date: 22-2-2012

**Party No. 1 :** The Asstt. General Manager

Bank of India, Nagpur Zone,  
Zonal Office, S.V. Patel Marg,  
PB No. 4, Nagpur-440001

### Versus

**Party No. 2 :** Shri Ravindra Krushnaji Raipure,  
R/o. Urjanagar (Kindi),  
P.O: Urjanagar,  
Chandrapur, (MS)

### AWARD

(Dated: 22nd February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bank of India and their workman

Shri Ravindra Krushnaji Raipure, for adjudication, as per letter No.L-12012/218/2003-IR (B-II) dated 8-3-2004, with the following schedule :—

"Whether the action of the management of Bank of India, Nagpur Zone in appointing Shri Ravindra Krushnaji Raipure, as sepoy w.e.f. 19-4-2002 without granting continuity of service or any other benefit prior to 19-4-2002 is legal and justified in terms of the award dated 7-9-2001 of CGIT, Nagpur in Reference no. 23/2000? If not, what is the relief to which the workman is entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Ravindra Raipure, ("the workman" in short) filed his statement of claim and the management of the Bank of India ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he was in the employment of party no. 1 in the capacity of sepoy during the period from 1989 to 1997 and his services came to be terminated illegally w.e.f. 5-6-1997, without complying the mandatory provisions of law and as such, he raised an industrial dispute and lastly the dispute was referred to the Tribunal by the appropriate Government for adjudication as reference no. 23 of 2000 and the Tribunal in its award dated 7-9-2001, held his termination by party- no. 1 as not legal and proper and directed for his reinstatement in service as sepoy from June 1997 and the Tribunal also ordered that he is not entitled to any other relief claimed by him and thereafter, he was reinstated in service by party no. 1 w.e.f. 19-1-2002 and the party no. 1 granted reinstatement without continuity in service and back wages and the action of the party no. 1 is illegal and he is entitled to continuity in service and back wages and the award passed by the Tribunal has not been implemented properly by the party no. 1.

3. In the written statement, it has been pleaded by the party no. 1 inter-alia that the operative order of award dated 7-9-2001 is that. "The action of the management namely Regional Manager, Bank of India, Region Chandrapur terminating Ravindra Krushnaji Raipure, Sepoy is not legal or proper. The termination of the workman is unjustified and he should be reinstated in service as Sepoy from June 1997. The workman is not entitled for any other relief claimed by him" and the reference was answered accordingly and from the said award, it can be found that except the reinstatement in service, other reliefs claimed by the workman were denied by the Tribunal and as such, the present reference is not maintainable in law and as the Tribunal did not direct the reinstatement of the workman with continuity in service and back wages, the workman is not entitled for any other relief.

4. The workman examined himself as a witness in support of his claim. In his examination-in-chief, which is on affidavit, the workman reiterated the facts mentioned in the statement of claim. However, in his cross-examination, the workman has admitted that in the award dated 7-9-2001, direction was given for his reinstatement in service from June, 1997 and it was also ordered that he is not entitled for any other relief claimed by him. He has further admitted that he did not file any appeal or writ against the award passed in reference no. 23 of 2000 and he was reinstated in service, in view of the award passed in reference 23 of 2000. He has further admitted that in this reference, he is demanding the benefits, which were not granted by the CGIT in the award passed in reference no. 23 of 2000.

5. The copy of the award passed in reference no. 23 of 2000 has been marked as Exhibit M-1. Admittedly, order was passed in reference no. 23 of 2000 for reinstatement of the workman in service from June 1997, but no direction was given that such reinstatement should be with continuity in service. Specific order has been passed by the Tribunal that the workman is not entitled to any other relief claimed by him. The workman has not approached any higher forum including the Hon'ble High Court against the award passed in reference no. 23 of 2000. Hence, the award passed in reference no. 23 of 2000 has become final. In view of the specific order passed by the CGIT Nagpur dated 7-9-2001 that the workman is not entitled for any other relief, the workman is not entitled to get reliefs, which were not granted in the above reference. Hence, it is ordered:

#### ORDER

The action of the management of Bank of India, Nagpur Zone in appointing Shri Ravindra Krushnaji Raipure, as sepoy w.e.f. 19-4-2002 without granting continuity of service or any other benefit prior to 19-4-2002 is legal and justified in terms of the award dated 7-9-2001 of CGIT, Nagpur in Reference no. 23/2000. The workman is not entitled for any other relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 19 मार्च, 2012

**का.आ. 1352.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतत्र के संबद्ध नियाजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 167/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 27-02-2012 को प्राप्त हुआ था।**

[सं. एल-12012/294/1999-आई आर (बी-II)]

श्रीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1352.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central**

Government hereby publishes the Award (Ref. No. 167/2000) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 27-02-2012.

[No. L-12012/294/1999-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

#### Reference No. 167 of 2000

**Parties :** Employers in relation to the management of Bank of India.

#### AND

Their Workmen

**Present :** Shri H.M. Singh, Presiding Officer

#### Appearances:

For the Employers : Shri D. K. Verma, Advocate

For the Workmem : Shri D. Mukherjee, Advocate & Shri K. Chakraverty, Advocate

State : Jharkhand

Industry : Bank.

Dated, the 21st February 2012

#### AWARD

By Order No. L-12012/294/99-IR(B-II) dated 25-5-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action taken by the management of Bank of India, Dhanbad to impose the punishment vide Order dated 19-3-99 to Shri B.P. Sinha, Clerk-Cum-Cashier and not paying him his legal dues which have been stopped after awarding the punishment are genuine and justified? If not, what relief the workman concerned Shri B.P. Sinha is entitled to?”

2. The case of the concerned workmen is that he has been working as permanent clerk-cum-cashier since 1983 continuously to the satisfaction of the management. In the year 1987 he was posted at Mohuda Branch of Bank of India. The Manager of the Bank was always on the look out to victimise the concerned workman which is evident from the fact that the management issued an illegal suspension order dated 29-11-97 for the alleged ground of habitual late attendance and for alleged tampering with the attendance register. It was further alleged that he had allegedly abused the manager in a most filthy language. It was further alleged that he allegedly misbehaved with one alleged son of an

alleged customer. It has been submitted that no suspension order can be issued without issuing a regular charge-sheet as per provision of the law. The suspension order was issued even without conducting any preliminary enquiry. The management however to cover up its misdeed and illegal act issued a regular charge-sheet dated 4-3-98 wherein and whereby alleging various charges against him. In the charge-sheet the new charges were levelled of allegedly entering the Bank premises during the suspension period and for allegedly abusing the management. The concerned workman submitted his reply denying the charges and though the explanation was satisfactory enough still then the management constituted an invalid and irregular departmental enquiry through a biased and prejudiced Enquiry Officer. The Enquiry Officer had conducted the enquiry at the dictation of the management with a predetermine aim to held the concerned workman guilty of the charges. The enquiry proceeding clearly goes to show that the witnesses were only allowed to reply the questions put to them. During the course of departmental enquiry the management miserable failed to adduce any legal evidence to prove the charges of habitual late attendance, tempering with documents, abusing the manager and entering the Bank premises during suspension period and abusing the manager again. The allegation of harassing the customer was also not proved. Even in the invalid and irregular departmental enquiry the charges against the concerned workman was not established still then the enquiry officer held him guilty. The workman's witnesses appeared in the enquiry and stated the actual fact and their statements remain unchallenged but unfortunately the enquiry officer did not take any cognizance of the same. The managment on the basis of such perverse finding, inflicted the punishment of deduction of basic pay by four stages and permanent withdrawal of special cashier allowance. The management also inflicted the punishment of not paying the wages of illegal suspension. The concerned workman vehemently protested against the illegal and arbitrary punishment order but unfortunately the management did not take any cognizance of the same. Thereafter, an industrial dispute was raised before the A.L.C. (C), Dhanbad, which ended in failure, resulting to the present dispute for adjudication. It has been submitted that the action of the management in imposing the punishment vide order dated 19-3-99 to the concerned workman and not paying him his legal dues which have been stopped after awarding the punishment was neither genuine nor justified.

In such circumstances, it has been prayed that the Hon'ble Tribunal nr pleased to answer the reference in favour of the workman by directing the management to withdraw the punishment imposed on the concerned workman by order dated 19-3-99 with retrospective effect with arrears of wages and consequential benefits.

3. The case of the management is that the concerned workman was suspended by office order dated 29-11-97 while he was working as Clerk-Cum-Cashier at Mohuda Branch of Bank of India on the grounds stated therein. It has been submitted that the concerned workman was issued chargesheet dated 4-3-98 conataining various allegations and on perusal of the order suspension followed with the chargesheet issued to the concerned workman, it will reveal that the concerned workman developed highly undesirable conduct of habitual late attendance and misbehaving and abusing his superior officer as well as bringing disrepute to the banking system by his arrogant attitude towards customers etc. He committed misconducts of habitual late attendance, temparing records of erazing and marking made in the attendance register, abusing the manager by uttering filthy languages etc. The management by order dated 5-3-98 appointed Shri N. Bhattacharya of Dhanbad Branch as Enquiry Officer to conduct the departmental enquiry relating to the charges levelled against the concerned workman. Sri S.S. Dubey, Manager of Jharia Branch was appointed as Presenting Officer to present the case of the management. The departmental enquiry was conducted by the Enquiry Officer on several dates in the presence of the concerned workman and his defence representative, Sri Dinesh Jha "Lallan". They were given full opportunity to cross examine the management witnesses, to produce the defence witnesses and the documents, if any. He was also given full opportunity to give his statement and fully defend himself against the charges levelled against him. The enquiry was conducted fairly and properly in accordance with the principles of natural justice and the Enquiry Officer submitted his enquiry report on 21-12-98 holding the concerned workman guilty of the charges levelled against him. The disciplinary authority issued show cause punishment notice dated 9-3-99 giving opportunity to make his representation against the proposed punishment, and to appear on the date fixed for presenting his case before him. The disciplinary authority passed the penalty order dated 19-3-99 after examining all issues. It has been submitted that the concerned workman committed serious misconducts charged against him in the chargesheet dated 4-3-98. The disciplinary authority awarded the punishment of reduction of basic pay by four stages and withdrew the special allowance which he was drawing at that time. The disciplinary authority also passed the order confirming that he was not entitled to any other amount save and except the subsistence allowance which he received during the period of his suspension as the period of suspension was not treated as "on duty".

In such circumstances, it has been prayed that this Hon'ble Tribunal be pleased to pass the award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. Domestic enquiry has been found fair and proper by order dated 22-1-2010.

6. The management produced MW-1, Nabagopal Bhattacherji and proved documents as Exts. M-1 to M-9.

The concerned workman produced WW-1, Bipin Prasad Sinha, concerned workman himself on preliminary issue.

7. Main argument advance on behalf of the concerned workman is that the management has not filed documents which may show that suspension order, chargesheet have been issued by the competent person. It has been argued that Dy. Chief Regional Manager has got no power to impose punishment, and Dy. Regional Manager has not no power to institute enquiry and suspend him.

In this respect management's evidence of MW-1 is material. He has stated in cross-examination that I do not know as to when the chargesheet was issued against the concerned workman. During the enquiry it was not complained from the side of the management as to why delay of about five months had taken place in issuance of chargesheet. It has also been argued that there is no preliminary enquiry conducted by the management regarding conduct of the concerned workman. In this respect the management's witness stated in cross-examination that during the enquiry no document was filed from the side of the management. He also stated that I do not remember whether during the enquiry the copies of the documents produced from the side of the management were supplied to the workman or not. I have no idea whether the Dy. Regional Manager had got the power or authority to issue the chargesheet against the concerned or not. I have also no idea whether the Dy. Chief Regional Manager has got the power or authority to impose punishment or not. This shows that the management has failed to produce any document which may show that the Dy. Regional Manager has got authority to issue chargesheet to the concerned workman or the Dy. Chief Regional Manager has got the power to impose punishment to the concerned workman.

Another argument advanced on behalf of the concerned workman that the questions have been put during the enquiry in question and answer form. It is against the rules. In this respect on behalf of the workman (2008) I Supreme Court Cases (L & S) 819 has been referred in which Hon'ble Supreme Court held that making leading questions by Enquiry Officer was improper as it turned enquiry officer into prosecutor.

Another law referred on behalf of the workman is 1963 (II) LLJ 367 in which Hon'ble Supreme Court held the domestic enquiry when against the concerned workman based on reports given by the superior officers, such report not made available to the concerned workman, the officers making the report also not made available for cross-examination at the domestic enquiry, in the circumstances, the principles of natural justice have been violated.

8. The management reinstated the concerned workman as per Ext. M-1 by giving certain conditions. Ext. M-3 shows that the enquiry has been conducted in question and answer form and it shows that it is against the law laid down by the Hon'ble Supreme Court.

9. Regarding alteration and cutting in attendance register no handwriting expert has been examined by the Enquiry Officer to prove the conduct of the concerned workman. As per Ext. M-8 show cause notice was issued to the concerned workman, but Ext. M-8 does not show that the copy of the enquiry report has been supplied to the concerned workman for proposed punishment. Only punishment has been imposed as per Ext. M-8 by reduction of his pay by 2-stages and also allowance. It only shows that for charge-sheet issued against the concerned workman at one time and for this he has been punished 3 times by withdrawing cashier allowance shows reduction in his basic pay at two stages at 2 times and withdrawal of cash allowance and the management has not filed any Bi-partite Settlement dated 14-2-95 by which clause 21(iv) (c) has been complied for 2 times. Moreover, it has also been argued that for minor misconduct for which basic pay cannot be reduced for 2 times.

Considering the above facts it shows that the management has given harsh punishment to the concerned workman for minor misconduct by reducing his basic pay by four stages and also withdrawal of cashier allowance.

10. In the result, I hold that the action taken by the management of Bank of India, Dhanbad to impose the punishment vide order dated 19-3-89 to Shri B.P. Sinha, Clerk-cum-Cashier and not paying him his legal dues which have been stopped after awarding the punishment are not genuine and justified. Hence, he is entitled to get his full wages and cashier allowance w.e.f. 19-3-99 with arrears of wages and consequential benefits. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 19 मार्च, 2012

**का.आ. 1353.—**औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतत्र के सबद्ध नियाजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, नई दिल्ली के पंचाट (संदर्भ संख्या 243/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 07-03-2012 को प्राप्त हुआ था।

[सं. एल-12012/188/1991-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1353.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 243/2011) of the Central Government Industrial Tribunal/Labour Court - 1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 07-03-2012.

[No. L-12012/188/1991-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE DR. R. K. YADAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO.1, KARKARDOOMA COURT COMPLEX, DELHI

I. D. No.243/2011

Shri O.P.Singh,  
R/o L-1/132, Shaheed Gunj,  
Agra, U.P. .... Workman

Versus

The Regional Manager,  
Central Bank of India,  
1271 Bhairon Bazar, Belangunj,  
Agra, U.P. .... Management

#### AWARD

Shri O.P. Singh, a clerk posted at Belaganj Branch, Agra, Central Bank of India (in short the bank) accepted a sum of Rs. 451.50 towards electricity bill No. A-014769 and SC No. 015349 on 14-12-1987 from Shri Surinder Nath Goel, received a sum of Rs. 249.60 towards electricity bill No. A-416079 and SC No. 004755 on 21-12-1987, another sum of Rs. 112.30 and an amount of Rs. 876.40 from M/s. Kedar Mal & Sons, and also was entrusted with an amount of Rs. 463.20 towards electricity bill No. 106923 and SC No. 0291098 on 12-3-1988 approximately by Shri Sugan Chand, but did not include those amounts in electricity bills collection scroll of the respective days and pocketed the money and converted it to his own use, in violation of the legal contract entered into by the bank with the Agra Electric Supply Undertaking touching the discharge of the contract, so entered and committed grave misconduct, asserts the bank.

2. A memo dated 25-6-1988 was received by Shri O.P. Singh on 4-7-1988. He was required to submit his explanation within a period of 7 days. Since explanation was not submitted by him, hence a charge-sheet dated 8-8-1988 was served upon him. The bank took a decision to initiate domestic enquiry against him and Shri M.P. Gautam was appointed Enquiry Officer. Shri Gautam conducted the enquiry and submitted his report to the Disciplinary Authority. Notice of proposed punishment was served on Shri Singh and he was called upon to appear

before the Disciplinary Authority for personal hearing. He was heard by the Disciplinary Authority and punishment of dismissal was awarded to him, vide order dated 30-9-1989. His appeal came to be dismissed. He raised an industrial dispute before the Conciliation Officer. On failure of the conciliation proceedings, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-12012/188/91-IR(B-H), New Delhi dated 26-9-1991, with following terms:-

“Whether the action of the management of Central Bank of India in dismissing Shri O.P. Singh, Clerk from the services of the bank is justified? If not, to what relief the workman concerned entitled?”

3. Claim statement was filed by Shri O.P. Singh, pleading that while working as clerk in the bank his service conditions were governed by the provisions of Shastri Award, Desai Award and various bipartite settlements, entered into from time to time between the managements of various banks and their workmen. He was working as clerk at Belaganj, Agra Branch of the bank in 1988. He was placed under suspension vide memo dated 31-5-1988. Memo dated 25-6-1988 was served upon him, calling for his explanation with regard to the allegations detailed therein. He requested for inspection of the documents vide his letter dated 9-7-1988. He was not allowed to inspect the documents. Charge-sheet dated 8-8-1988 was served upon him. An Enquiry Officer was appointed, depriving him an opportunity to submit his explanation, with regard to the allegations contained in the charge-sheet. The enquiry commenced on 13-9-1988. His defense representative raised an objection that without giving an opportunity to offer explanation, the enquiry cannot proceed. Enquiry Officer opted not to decide the objection, so raised. On adjourned date, Presenting Officer filed list of eight witnesses to be examined in the enquiry. On 5th October, 1988 documents were produced before the Enquiry Officer. On 26-10-1988 his defense representative could not attend the Enquiry proceedings and his request for adjournment for a little bit longer date was not allowed. Adjournment of only one day was granted. On 27-10-1988 one witness was examined by the Presenting Officer. His cross-examination was deferred for 14-11-1988 with great persuasion. Enquiry was resumed on 15-11-1988 since 14-11-1988 was declared holiday. On 15-11-1988 cross-examination of Shri Babu Ram was concluded. One other witness was examined by the Presenting Officer that day whose cross-examination was deferred for 16-11-1988. On 16-11-1988 that witness did not turn up for cross-examination. On 17-11-1988 his cross-examination was concluded. Thereafter enquiry was adjourned to 18-11-1988. The enquiry was adjourned from time to time, to enable the Presenting Officer to examine his witnesses. Detailing the sequence of events which took place during examination of the witnesses of Central Bank of India, the claimant projects that four witnesses were examined by

the Presenting Officer. Thereafter he was allowed to state his defense, produce his witnesses and documents. He details that reasonable opportunity was not given to produce his witnesses in defense and the Enquiry Officer did not allow sufficient time (by way of long adjournment) to produce witnesses in defense. He was forced to close his defense evidence.

4. The claimant asserts that he submitted his arguments before the Enquiry Officer. Thereafter on 25-3-1989 he received a notice from the Enquiry Officer informing him that the Disciplinary Authority had ordered for re-opening of the enquiry to allow him to produce witnesses in defense. By that time the witnesses, who were to depose in his favour, opted not to come forward, under the pressure of the bank. His evidence was, therefore, closed by the Enquiry Officer on 24-4-1989.

5. After about five months he received a copy of the findings of the Enquiry Officer, along with show-cause notice dated 22-9-1989 on proposed punishment. He requested the Disciplinary Authority to allow him at least 15 days time to present facts. The Disciplinary Authority fixed personal hearing for 30-9-1989, on which date he appeared before him and requested for adjournment. His request was declined. Being a lay man he presented facts before the Disciplinary Authority on proposed punishment. On that very day punishment of dismissal from service was awarded to him. According to the claimant, the procedure referred above projects that reasonable opportunity was not granted to him to defend.

6. An appeal dated 24-11-1989 was preferred, claims Shri Singh. He appeared before the Appellate Authority and presented his facts. His appeal was dismissed. The order of the Appellate Authority is also not justified, since his representation dated 12-4-1990 was not appreciated.

7. The claimant projects that no proper and reasonable opportunity was given to him to submit his explanation to show-cause memo dated 25-6-1988. He was not allowed to inspect documents, which request was made by him vide his letter dated 9-7-1986. Charge-sheet was served and his right to offer an explanation was robbed. List of documents and witnesses were not provided, when charge-sheet was served upon him. The Enquiry Officer allowed more than reasonable time to the Presenting Officer, while he was not allowed sufficient time to present his defense. Dual standard adopted by the Enquiry Officer shows his predetermined approach. Belated opportunity granted to him to produce his witnesses in defense, cannot cure the illegality committed by the Enquiry Officer. The findings of the Enquiry Officer are not justified. The Disciplinary Authority had not detailed its reasons for concurring with the Enquiry Authority. Punishment awarded to him does not commensurate to his misconduct, since his past commendable services were not taken into account. The Appellate Authority has also not applied its mind to the

facts of the case. He was paid subsistence allowance at half of his pay and allowance, while he became eligible for payment of subsistence allowance at the rate of full pay and allowances, after expiry of one year. He claims that the bank has failed to accord him reasonable opportunity to defend, hence punishment of dismissal may be set aside and he may be re-instated in the service of the bank with continuity and all consequential benefits.

8. The claim was demurred by the bank pleading that inspection of the documents was not allowed to the claimant, since such request was made before initiation of domestic enquiry. He was informed that inspection would be allowed when enquiry would commence. According to the bank, after service of charge-sheet on the claimant full opportunity was given to defend himself. Enquiry Officer was acting in consonance with the principles of natural justice and enquiry was conducted in fair and impartial manner, following rules and guidelines applicable to the claimant. It is projected that enquiry was re-opened to allow the claimant to produce his witnesses in defense, as a special case. He was allowed opportunity to cross-examine the witnesses produced by the bank, produce his documents and witnesses in defense and to raise his submissions in the light of evidence brought over record. Findings recorded by the Enquiry Officer were in accordance with evidence produced before him. Disciplinary Authority gave an opportunity to the claimant to offer his comments on the report of the Enquiry Officer and to show-cause on proposed punishment of dismissal. After hearing him, punishment of dismissal was awarded which commensurate to the mis-conduct committed by the claimant. It has been pleaded that the claimant has not been able to show that enquiry stood vitiated and punishment awarded to him is dis-proportionate to his misconduct. Bank wants that the claim put forward by Shri Singh may be dismissed.

9. On appreciation of facts, unfolded by the claimant and Shri R.K.Verma, examined by the bank, the Tribunal announced that the enquiry conducted was not fair and proper and ordered for reinstatement of the claimant in service with continuity and full back wages, vide award dated 21-5-2003.

10. Aggrieved by the award, the bank preferred a writ petition W.P.(C) No.6591/2003 before High Court of Delhi. While disposing that petition the High Court upheld the findings relating to virus of the enquiry but commanded the Tribunal to accord opportunity to the bank to lead evidence to prove misconduct of the claimant, vide order dated 31-8-2006.

11. Shri M.K. Bhatnagar was examined on behalf of the bank, to prove misconduct of the claimant. The claimant had examined himself in rebuttal of the evidence. No other witness was examined by either of the parties.

12. While using its powers under Section 33 B of the Industrial Disputes Act, 1947, (in short the Act) the

appropriate Government had transferred this case to the Central Government Industrial Tribunal No. 2, New Delhi, vide order No. Z-22019/6/2007-IR(C-II) dated 11-02-2008 for disposal and re-transferred it to this Tribunal vide order No. Z-22019/6/2007-IR(C-II) New Delhi, dated 30-03-2011 for adjudication.

13. Arguments were heard at the bar. Shri B.K. Prasad, authorized representative, advanced arguments on behalf of the claimant. Shri Deepak Goel, authorized representative, presented facts on behalf of the bank. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on the issues involved in the controversy are as follows :—

14. Shri M.K. Bhatnagar swears in his affidavit, tendered as evidence on behalf of the bank, that Belaganj, Agra branch of the bank was authorized to collect amount of electricity bills on behalf of Agra Electric Supply Undertaking. Claimant was posted in Belaganj branch as Assistant Cashier/clerk. He used to collect electricity bills along with payment of the bills and to give counter foils back to them duly initialed by him. Those bills were also scrolled by him in scroll, specially designed for the purpose by Agra Electric Supply Undertaking.

15. He stated that on 14-12-1987 bill No.A-014769 and SC No. 015349 of Shri Surinder Nath Goel was received by Shri O.P. Singh. He also received bill No. A-416079 and SC No. 004755 of M/s. Kedar Mal & Sons for a sum of Rs. 249.60, another bill for a sum of Rs.-876.40 and third bill of Rs.112.30 of the aforesaid firm on 21-12-1987. He also received electricity bill No. 1069230 and SC No. 029198 for a sum of Rs. 463.20 from Shri Sugan Chand. The claimant did not include all these bills in the scroll and pocketed the amount, mentioned therein. He had not scrolled the aforesaid electricity bills in the scroll, hence amount was not sent to Agra Electric Supply Undertaking. The Agra Electric Supply Undertaking included the amount of the aforesaid bills in the next bills. When parties noticed that payment of last bills had not been adjusted, they made complaints to Agra Electric Supply Undertaking as well as to the bank. The complaints were so made on 29-3-1988, 16-5-1988, 24-5-1988 and 9-6-1988. The bank received letter dated 10/13-6-1988 from the Executive Engineer, U.P. State Electricity Board detailing therein that Agra Electric Supply Undertaking had not received the payment of the aforesaid bills. The bank got the matter investigated from Shri V.K. Chaturvedi, the then Chief Cashier, Belaganj Branch, Agra, who confirmed that the money was pocketed by Shri O.P. Singh. The branch referred the matter to its Regional Office, Agra, who in turn got further investigation done from Shri L.C. Sharma. Shri L.C. Sharma submitted his report dated 15-6-1988. On consideration of the material referred above, the Bank

decided to hold a departmental enquiry against Shri O. P. Singh. In memo dated 25-6-1988 his explanation was called. He did not make proper reply. He was served with a charge sheet. During the course of his cross-examination, he concedes that documents proved by him in his testimony before the Tribunal were also introduced before the Enquiry Officer. He said that he is not aware anything about the facts which were brought before the Enquiry Officer. He says that L.C. Sharma may be one of the witnesses before the Enquiry Officer. His statement was not recorded by Shri L.C. Sharma. When re-examined he announces that the claimant used to receive electricity bills, along with payment.

16. Claimant swears in his affidavit Ex.WW1/1 that he was appointed in the services of the bank on 5-5-1980. On 21-5-1988 when he was working at Belaganj, Agra branch of the bank, he was placed under suspension. On 25-6-1988 a memo was issued to him to offer his explanation on certain allegations contained therein. He submitted a letter dated 9-7-1988 requesting that inspection of documents, referred in the said memo, may be allowed to offer explanation. He was not allowed an inspection and his request was rejected with the observations that he would be given such an opportunity during the course of enquiry. Charge-sheet dated 8-8-1988 was served upon him and departmental enquiry was instituted. The Enquiry commenced on 13-9-1988 and concluded on 5-1-1989. Enquiry was held in most unfair manner. During the course of cross-examination he concedes that electricity bills were collected in the branch. He also used to collect electricity bills. He admits that on 14-12-1987, 21-12-1987 and 5-3-1988 he was present in the branch of the bank.

17. Facts testified by Shri Bhatnagar were assessed on standard of ordinary human behavior, natural course of events and tenets of veracity. Testimony of Shri Bhatnagar stood acid test of trustworthiness. Shri Bhatnagar was neither inimical nor hostile qua the claimant. It is not the case of the claimant that there was a history of strained relationship between him and Shri Bhatnagar, which persuaded the latter to depose facts against him. He could not establish that Shri Bhatnagar was not a man of veracity or was bribed or given an offer to gain an advantage or to avoid any evil of temporal nature to depose facts against him. The testimony of Shri Bhatnagar was found to be convincing and reliable. No reasons emerged which may persuade this Tribunal to discard facts unfolded by Shri Bhatnagar. Therefore, I find no reason to dis-believe the witness examined by the bank.

18. When facts detailed by Shri Bhatnagar and the claimant are appreciated, it emerged over the record that the claimant used to receive electricity bills along with payment from the customers, since Belaganj Branch was authorized to receive electricity bills on behalf of Agra Electric Supply Undertaking, U.P., State Electricity Board. Agra. The claimant received bill No. 014769 pertaining to

Shri Surinder Nath Goel on 14-12-1987 and another bill No. A-460079 pertaining to M/s. Kedar Mal & Sons. He also received two bills in respect of M/s. Kedar Mal & Sons on 27-12-1987. He received another electricity bill one or two days prior 15-3-1988 in respect of Shri Sugan Chand. He received payment from consumers but did not include that amount in the scrolls and pocketed the amount himself. Shri Bhatnagar made a bold deposition detailing that the claimant had returned amount of a few bills to the parties concerned at their residence. These facts were not dispelled, during the course of his cross-examination. This piece of evidence goes long way to clinch the issue relating to pocketing the amount of electricity bills, deposited by the customers with the claimant, as cashier of the bank. Even otherwise when facts testified by Shri Bhatnagar were closely perused, it came to light that the claimant was allotted a seat of receiving electricity bills along with payments from the customers. It also crept over the record that the claimant received payments from M/s. Kedar Mal & Sons, Surinder Nath Goel and Sugan Chand. He received money from the parties but failed to deposit it with the bank and scroll those bills and amount received in the documents, which were to be transmitted to Agra Electric Supply Undertaking. The claimant has not been able to rebut these facts.

19. As detailed above Shri Bhatnagar portrays a picture of events in which the claimant received money from the customers against electricity bills, did not scroll those bills and pocketed the money. Events unfolded by the witness make it clear that the claimant committed criminal breach of trust when he pocketed the money deposited with the bank by the customers, referred above. The acts of the claimant amount to grave misconduct. It is crystal clear that the bank has been able to establish misconduct of the claimant.

20. Misconduct committed by the claimant projects that not only he deceived the customers but deceived the Agra Electricity Supply Undertaking as well as his employer, the bank when he pocketed the amount of the bills deposited with him by the customers. He received advantage of the amount pocketed by him and caused loss or detriment of that amount to the bank. Misconduct, referred above, is very serious in nature. Therefore, appropriate penalty for such an employee is dismissal only. Under these circumstances, I conclude that penalty of dismissal imposed on the claimant was justified.

21. Whether the penalty of dismissal would relate back to the date of order of dismissal passed by the bank? For an answer, it is expedient to consider the precedents handed down by the Apex Court. In Ranipur Colliery [(1959) Supp. 2 SCR 719] the employer conducted a domestic enquiry though defective and passed an order of dismissal and moved the Tribunal for approval of that order. It was ruled therein that if the enquiry is not defective, the Tribunal has only to see whether there was a prima facie

case for dismissal and whether the employer had come to the bonafide conclusion that the employee was guilty of misconduct. Thereafter on coming to that conclusion that the employer had bonafide come to the conclusion that the employee was guilty, that is, there was no unfair labour practice and no victimization, the Tribunal would grant the approval which would relate back to the date from which the employer had ordered the dismissal. If the enquiry is defective for any reason, the Tribunal would also have to consider for itself on the evidence adduced before it whether the dismissal was justified. However on coming to the conclusion on its own appraisal of evidence adduced before it that the dismissal was justified its approval of the order of dismissal made by the employer on defective enquiry would still relate back to the date when order was made.

22. In Phulbari Tea Estate [1960 (I) S.C.R. 32] the domestic enquiry held by the employer culminating in the order of dismissal was found to be invalid, being in gross violation of the rules of natural justice. Even before the Tribunal, the employer did not lead proper evidence to justify the order of dismissal and contended itself by merely producing the statement of certain witnesses recorded during the domestic enquiry and the workman had no opportunity to cross-examine the witnesses before the Tribunal. In the absence of any evidence before it, justifying the dismissal, the Tribunal set aside the order of dismissal and granted compensation in lieu of reinstatement, which order was upheld by the Apex Court. In that case question of relating back of the order of dismissal did not arise.

23. In P.H. Kalyani [1963 (1) LLJ 673] the employer dismissed the workman after holding a domestic enquiry into the charges. Since some dispute was pending before the Industrial Tribunal, the employer applied for "approval" of action of dismissal in compliance with the proviso to section 33(2)(b) of the Act. The workman made an application under section 33-A of the Act. Apart from relying on validity of domestic enquiry, the employer adduced all the evidence before the Tribunal in support of its action. On basis of evidence before it, the Tribunal came to the conclusion that the facts of misconduct committed by the workman were of serious nature involving danger to human life and therefore dismissed the application under section 33-A and accorded "approval" to the action of dismissal taken by the employer. In this situation the Apex Court held that if the enquiry is not defective and the action of the employer is bona fide, the Tribunal will grant the "approval" and the dismissal would "relate back to the date from which the employer had ordered dismissal". If the enquiry is invalid for any reason, the Tribunal will have to consider for itself on the evidence adduced before it, whether the dismissal was justified. If it comes to the conclusion on its own appraisal of such evidence that the dismissal was justified, the dismissal would "still relate back to the date when the"

order was made". Sasa Musa Sugar Works case (*supra*) was distinguished saying that observations made therein "apply only to a case where, the employer had neither dismissed the employee nor had come to the conclusion that a case for dismissal had been made. In that case, the dismissal of the employee takes effect from the date of the award and so until then the relation of employer and employee will continue in law and in fact".

24. D.C.Roy [(1976) Lab. I.C. 1142] is the illustration where domestic enquiry held by the employer was found to be invalid being violative of principles of natural justice and the employer had justified the order of dismissal by leading evidence before the Labour Court, on appraisal of which the Labour Court found the order of dismissal justified. In appeal, the Apex Court upheld the award with the observation that "the ratio of Kalyani's case (*supra*) would therefore, govern the case and the judgment of the Labour Court must relate back to the date on which the order of dismissal was passed".

25. In Gujarat Steel Tubes Ltd. (1980 (1) LLJ 137) inverted image of the D.C. Roy's case was presented by a majority of three judge bench wherein it was held that "where no enquiry has preceded punitive discharge, and the Tribunal for the first time upholds the punishment, this court in D.C. Roy vs. Presiding Officer (*supra*) has taken the view that full wages be paid until the date of the award. There cannot be any relation back of the date of dismissal when the management passed the void order". Though the court ruled that law laid in D.C. Roy is correct yet it followed obiter instead of the decision. Observations of the Apex Court in above decision, bearing on the relate back rule, were faulted in R.Thiruvirkolam (1997 (1) SCC 9) on the ground that they "are not in the line with the decision in Kalyani which was binding or with D.C. Roy to which learned Judge Krishna Iyer J. was a party. It also does not match with the juristic principle discussed in Wade". The view taken in R.Thiruvirkolam (*supra*) was affirmed in Punjab Dairy Development Corporation Ltd.(1997 (2) LLJ 1041).

26. In view of the catena of decisions, detailed above, it is clear that an employer can justify its action by leading evidence before the Tribunal. This equally applies to cases of total absence of enquiry and defective enquiry. A case of defective enquiry stands on the same footing as no enquiry. If no evidence is led or evidence adduced does not justify the dismissal by the employer, the Tribunal can order reinstatement or payment of compensation as it may think fit. But if it finds on the evidence adduced before it that the dismissal is justified, the doctrine of relate back is pressed into service to bridge the time gap between the rupture of the relationship of employer and employee and the finding of the Tribunal.

27. If the workman is to be paid wages upto the date of the award of the Tribunal, the Parliament has to enact so, declares the Delhi High Court in Ranjit Singh Tomar

(ILR 1983 Delhi 802). Obviously the Act does not make any provision for the situation. Precedents in Ghanshyam Das Shrivastava (1973 (1) SCC 656), Capt. M. Paul Anthony (1999 (3) sec 679) and South Bengal State Transport Corporation (2006 (2) SCC 584) nowhere deal with the controversy, hence are not discussed.

28. In view of the above law, it is ordered that the order of dismissal will relate back to the date when the bank passed order of dismissal against the claimant. Award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated : 22-2-2012

नई दिल्ली, 19 मार्च, 2012

**का. आ. 1354.—**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/54/2005-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1354.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.34/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 29-2-2012.

[No. L-12012/54/2005-IR (B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 16th February, 2012

#### PRESENT

Shri S.N. NAVALGUND, Presiding Officer

C. R. No. 36/2005

I PARTY: Shri R. Rajappa,

No.490/39, 12th C Cross,  
6th Main Road,  
Vyaikaval,  
Bangalore-03

II PARTY: The General Manager(P)

Canara Bank,  
Personnel Wing,  
Head Office, 112, J.C.Road,  
Bangalore- 560022

### **AWARD**

The Central Government by exercising the powers conferred by clause (d) of sub-section(1) and Sub- section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide order No.L- 12012/ 54/2005-IR(B-II) dated 22-8-2005 for adjudication on the following Schedule:

"Whether the management of Canara Bank is justified having imposed the punishment is Compulsory Retirement on Shri R.Rajappa sub-staff w.e.f. 10-3-2004 ? If not, what relief he is entitled to and from which date?"

2. After receipt of the reference, pursuant to the notices issued by this tribunal both sides entered their appearance through their respective advocates and the first party filed claim statement on 1-6-2006 and the second party filed counter statement on 19-1-2007 respectively. Having regard to certain allegations made in the claim statement by the first party that he was not given fair and proper opportunities to cross-examine the management witnesses and xerox copies of the documents were exhibited inspite of his objections and some of the documents have been accepted without examining the authors of the documents and he was not given opportunity to examine witnesses, a preliminary issue as to "whether the Domestic Enquiry conducted against the first party by the second party is fair and proper" was raised and when the parties were called upon to adduce evidence on this preliminary issue on behalf of the second party while examining the Enquiry Officer as MW1 Charge sheet dated 5-5-2003 along with list of documents and list of witnesses; orders appointing the enquiry officer dated 23-5-2003; Orders appointing the Presenting Officer dated 23-5-2003; Notice of enquiry dated 6-6-2003 issued to the first party to attend the enquiry; proceedings of enquiry along with exhibits MEX-1 to MEX 31 and DEX 1 to DEX 4; written brief of the Presenting Officer; written brief of Defence Representative; findings of enquiry officer dated 20-1-2004; letter dated 21-1-2004 from the Disciplinary Authority forwarding the findings of enquiry officer to the first party; written submissions dated 5-2-2004 of the first party on findings of the enquiry officer; notice of the personal hearing dated 12-3-2004 sent by the Disciplinary Authority to the first party; written submissions dated 18-3-2004 in the personal hearing relating to the first party; dismissal proceedings dated 19-3-2004; appeal filed by the first party and covering letter dated 11-12-2004 enclosing detailed orders of Appellate Authority dated 4-12-2004 were got marked as Ex.M1 to M15. the learned counsel appearing for the first party after availing several adjournments for cross-examination of the enquiry officer, ultimately on 19-4-2011 as filed a memo of retirement along with copy of letter sent to first party and, also two returned RPAD covers addressed to first party returned with Shara "Left Address" the retirement memo of advocate of first party was accepted

and MW1 was discharged from cross-examination. Thereafter since the first party never turned up, after hearing the arguments of advocate appearing for the second party by order dated 15-9-2011 while answering the Preliminary Issue in the affirmative holding that the Domestic Enquiry conducted against the first party by the second party is fair and proper the matter was posted for evidence of first party if any, on victimization and unemployment and the same was not availed by the first party. Ultimately I heard the arguments addressed by the learned advocate appearing for the second party on merits and posted the matter for award.

3. On appreciation of the pleadings, evidence brought on record during the course of domestic enquiry with the enquiry findings and the arguments addressed by the learned advocate appearing for the second party I arrived at the conclusion that there being no reason to interfere in the punishment of compulsory retirement imposed against the first party for the following reasons:

#### **Reasons:**

4. The first party who was working as a sub staff with the second party was served with a charge sheet dated 5-5-2003 copy of which is at Ex.M1 reads as under:

#### **Charge Sheet.**

"You were working as Sub staff at our Fraser Town branch, Bangalore from 18-6-1991 to 2-1-2003 (till the date of receipt of suspension proceedings by you.

Our Fraser Town branch, Bangalore informed vide their letter No.10/HO/2002/KGG dated 31-12-2002 that three persons by name Shri Rajanna, Shri S. Ravi and Shri Michel complained that they have paid a sum of Rs.59,500 to you on your promise to get them 2 seized auto rickshaws at the lowest rate from Fraser Town branch, Bangalore. Shri Rajanna and Shri S. Ravi have also complained that you have informed them that out of the amount received Rs.4,000 each has to be paid to the Manager as bribe. An investigation conducted in the matter has revealed the following:

(a) One Shri Alexander who knows you for the last 3 years had introduced you to Mr. Michel. You have collected Rs.10,000 from Mr. Michel promising to get loan from the Bank for getting seized vehicle available with the branch. You had also taken Mr. Michel to circle office several times in this connection, but he has not got the loan.

(b) Shri Rajanna was introduced to you through, Shri Michel and you had collected Rs.29,000 from Shri Rajanna assuring to get him the autorickshaw bearing regn.No. KA-03-7516. Shri Rajanna has paid the said amount of Rs. 29,000 to you as detailed below :

(i) Banker's cheque No.622911 dated 20-11-2002 for Rs.3,000 drawn on State Bank of Bikaner and

Jaipur, Bhartinagar, Bangalore, favouring Shri Jayashankar.

(ii) Banker's cheque No.622924 dated 26-11-2002 for Rs.3,000 drawn on State Bank of Bikaner and Jaipur, Bhartinagar, Bangalore, favouring Shri Jayashankar.

(iii) Rs.4,000 in cash as you had told that Manager has to be given bribe of Rs.4,000.

After collecting the cash as well as 2 Banker's Cheque from Shri Rahanna, you have delivered to him a letter dated 15-12-2002 purported to have been addressed by Canara Bank, Fraser Town branch, Bangalore to the Divisional Manager, R&L Section, Circle Office, Bangalore.

(c) You had assured Shri A. Srinivasan, father of Shri S. Ravi, the complainant, to get the seized autorickshaw being Regn.No:KA-03-A5861 and collected DD No.036408 dated 30-11-2002 for Rs.16,500 drawn on Golbal Trust Bank Ltd., M.G. Road, Bangalore, favouring Shri Srinivas. You had also collected from him the cash of Rs.4,000 on the pretext that the same is to be paid to the Manager.

You had approached one Shri K.N. Manmatha and the 2 DDs for Rs.22, 000 and Rs. 3,000 favouring Shri Jayashankar were got discounted through him at Garden City Multipurpose Co-operative Society on 21-11-2002 and 5-12-2002 respectively. The account of Shri Jayashankar was introduced to the said society by you. The writings in the account opening from of the said Society are in your handwriting and bears your signature as introducer and the telephone number given is that of our Fraser Town branch, Bangalore.

DD No. 036408 dated 30-11-2002 for Rs. 16,500 drawn on Golbal Trust Bank, M.G.Road, Bangalore favouring Shri Srinivas was encashed at Vijaya' Bank, Infantry Road Branch, Bangalore by Shri Srinivasan through his SB account No.207086 with them on 3-12-2002; You have encashed this DD through Shri Srinivas who is known to you.

You have obtained quotation from Shri Rajanna and Shri A. Srinivasan for Auto Tender for disposing off the seized vehicle at cheaper rate and the quotation in respect of Shri Rajanna is also in your handwriting only. You have delivered them a letter dated 15-12-2002 purported to have emanated from our Frazer Town branch, Bangalore addressed to the Divisional Manager, R&L Section, Circle Office, Bangalore and in the said letter permission of R&LSection, Circle Office, Bangalore is sought for disposal of Auto No.KA-03-A5861 and Auto No.DA-03-A7561 in respect of LPD 9/99.

It is also found that the said letter dated 15-12-2002 were copied from the branch LPD No.LPD177/2002/IDS dated 10-3-2002. The contents of this letter were typed in Bank's letter head (computer sheet) and the branch particulars/signatures were Xeroxed on the typed letter.

On verification of records at our Fraser Town branch, Bangalore, it is observed that LPD 9/99 referred in letter dated 15-12-1999 is in respect of vehicle No.KA-03-9084 of one Shri Irshad Khan, which was disposed off and the proceeds were credited to LPD Account and the vehicle No. DA-03-5816 is in the name of one Shri Shankar of LPD 2/2000.

From the above, it is clear that you have collected amount/banker's cheques/DD from the complainants promising delivery of seized autos of Fraser Town branch, Bangalore at a cheaper rate and issued forged/fabricated letters to them, making them believe that the said letters are emanated from the Bank. You have also collected the amount on the false pretext that the same has to be paid to the Manager. Thus you have cheated the complainant and brought disrepute to the name of the Bank.

You were called upon to explain regarding the above aspects by staff selection (workmen) Circle Office, Bangalore vide their letter No. BLSW/20229/EP/Misc/2003 dated 18-2-2003, which was duly acknowledged by you on 23-2-2003 but you have failed to submit your reply for the same.

Thus, by your above actions, you have failed to discharge your duties with utmost integrity, honesty, devotion and diligence and committed a "gross misconduct" within the meaning of Chapter XI Regulation 2(A)(i) of Canara Bank Service Code.

By knowingly making false information vide letters dated 15-12-2002, you have committed "Gross Misconduct" within the meaning of Chapter XI, Regulation 3(a) of Canara Bank Service Code.

By accepting certain sums from the persons as mentioned above, you have committed 'Gross Misconduct' within the meaning of Chapter XI, Regulation 3(f) of Canara Bank Service Code.

By tampering the Bank records, you have committed 'gross misconduct' within the meaning of Chapter XI, Regulation 3 (j) of Canara Bank Service Code.

Your above actions being prejudicial to the interest of the bank, you have also committed 'gross misconduct' within the meaning of Chapter XI Regulation 3, Clause (m) of Canara Bank Service Code'.

5. Since the first party denied the charge the management while examining Shri Gopalakrishna, Chief Manager as MW1; Shri I.D. Silva, Senior Manager as MW2 Shri Mustaq Ahmed, Officer as MW3; Shri S. Gurunath, I.O. as MW4 and Shri Ashok Kumar, Representative as MW5 got marked 31 documents as Ex. MEX.1 to MEX. 31 and as the first party did not lead any evidence and rest contended by getting marked four documents as DEX.1 to DEX. 4 the detailed description of which are narrated in the annexure, after receiving the written brief of the Presenting Officer and the Defence Representative the enquiry officer

submitted his finding dated 20-1-2004 holding the first party guilty of the charges. Thereafter the Disciplinary Authority while issuing show cause notice and giving opportunity of hearing imposed the impugned punishment of Compulsory Retirement by his order dated 19-3-2004 and the appellate authority after giving the personal hearing to the first party confirmed the order of Disciplinary Authority by order dated 4-12-2004. Since the enquiry officer considering the entire evidence, appreciating it with the defence put forward for the first party by giving cogent reasons held the charges being proved, when this tribunal having regard to the material on record held the Domestic Enquiry being fair and proper, it was for the first party to demonstrate the enquiry finding being perverse or the punishment imposed by the disciplinary authority is disproportionate. As already adverted to by me above, the first party after filing his claim statement never turned up and even his counsel after making all efforts to serve notice on him ultimately filed memo of retirement, absolutely I find no reason to say the enquiry finding being perverse or the punishment imposed by the disciplinary authority and upheld by the, appellate authority being disproportionate. Under the circumstances I pass the following award:

#### **AWARD**

The reference is rejected holding that the management of Canara Bank is justified having imposed the punishment of Compulsory Retirement on Shri R. Rajappa, sub staff w.e.f. 10-3-2004 and that he is not entitle for any relief.

(Dictated to PA transcribed by her corrected and signed by me on 16-2-2012).

S.N. NAVALGUND, Presiding Officer

#### **Annexure: CR 36/2005**

##### **List of witnesses examined by the management before the Enquiry Officer**

1. Shri Gopalakrishna, Chief Manger MW1
2. Shri I.D. Silva, Senior Manager MW2
3. Shri Mustaq Ahmed, Officer MW3
4. Shri S. Gurunath, I.O. MW4
5. Shri Ashok Kumar, Representative MW5

##### **Documents exhibited for the the Management before the Enquiry Officer**

1. Copy of the Letter dated 31-12-2002 addressed to Deputy General Manager, Staff Section Circle Office, Bangalore issued by the Chief Manager. MEX-1
2. Copy of the Statement dated 31-12-2002 of Shri V. Alexander. MEX-2
3. Copy of the Statement of Shri Rajanna.V MEX-3
4. Copy of the Statement of Shri S. Ravi MEX-4

5. Copy of the Statement dated 31-12-2002 of Shri Michel. MEX-5
6. Xerox copy of Banker's cheque No. 622911 dated 20-11-2002 for Rs. 22,000 favouring Jayashankar. MEX-6
7. Xerox copy of Banker's cheque No.622924 dated 26-11-2002 for Rs,22,000 favouring Jayashankar. MEX-7
8. Letter dated 15-12-2002 purported to have been emanated from Fraser Town branch, Bangalore, addressed to Divisional Manager, Circle Office, Bangalore in respect of Auto regn. No.KA-03A-7516. MEX-8
9. Letter dated 15-12-2002 purported to have been emanated from Fraser Town branch, Bangalore, addressed to Divisional Manager, Circle Office, Bangalore in respect of Auto regn.No KA-03A-5861. MEX-9
10. Quotation dated 30-11-2002 in respect of Auto KA -03A-5861 submitted by Shri A. Srinivasan. MEX-10
11. Quotation dated 30-11-2002 in respect of Auto KA-03A-7516 submitted by Shri Raju. MEX-11
12. Cheque No. 036408 dated 30-11-2002 for Rs.16500 of Global Trust Bank Ltd., MG Road, Bangalore favouring Shri Srinivas. MEX-12
13. D D counterfoil for Rs. 22,000 of State Bank of Bikaner & Jaipur. MEX-13
14. DD counterfoil dated 26-11-2002 for Rs.3,000 of State, Bank of Bikaner & Jaipur. MEX-14
15. DD counterfoil dated 30-11-2002 for Rs. 22,000 of State Bank of Bikaner and Jaipur. MEX-15
16. Statement of account for the period 1-11-2002 to 16-1-2003 of Sreenivas M, SB account No. 207086 of Vijaya Bank, Bangalore. MEX-16
17. Preliminary investigation report submitted by Shri S. Gurunath. MEX-17
18. Letter addressed to the Divisional Manager, R & L Section dated 10-3-2002. MEX-18
19. Xerox copy of banker's cheque No. 622924 dated 26-11-2002 for Rs. 3000. MEX-19

20.	Xerox copy of banker's cheque No. 622911 dated 20-11-2002 for Rs. 22,000	MEX-20	बैंक के प्रबंधतांत्र के संबद्ध नियोजकमें और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 01/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।
21.	Statement of Shri Rajappa dated 1-1-2003	MEX-21	[ सं. एल-12011/104/2007-आईआर (बी-II) ]
22.	Statement of Shri K.N. Manmatha dated 16-1-2003	MEX-22	शीशा राम, अनुभाग अधिकारी
23.	Copy of the Account opening form dated 21-11-2002 of Shri Jayashankar.	MEX-23	New Delhi, the 19th March, 2012
24.	Copy of the Account opening form dated 5-12-2002 of Shri Jayashankar	MEX-24	S.O. 1355.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.01/2008) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 27-2-2012.
25.	Xerox copy of driving licence of Shri Jayashankar.	MEX-25	[No. L-12011/104/2007-IR (B-II)]
26.	Copy of the Statement of Shri ID Silva Senior Manager of IISC, Branch dated 2-1-2003	MEX-26	SHEESH RAM, Section Officer
27.	Copy of the Investigation report dated 29-1-2003 submitted by Shri S. Gurunath.	MEX-27	ANNEXURE
28.	Copy of the Letter dated 18-2-2003 of staff section addressed to Shri Rajappa.	MEX-28	CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA
29.	Copy of the Letter issued by the Sr. Manager dated 23-2-2003 addressed to staff section, Bangalore	MEX-29	Reference No. 01 of 2008
30.	Copy of the Letter dated 25-2-2003 of Shri R. Rajappa addressed to Staff Section, Circle Office, Bangalore.	MEX-30	PARTIES: Employers in relation to the management of Punjab National Bank
31.	Copy of the Letter issued by the Chief Manager dated 28-2-2003 addressed to Sr. Manager, staff section, Bangalore regarding suspension of Shri R. Rajappa, Daftary.	MEX-31	AND Their workmen.

**List of witnesses examined by the first party/CSE before the Enquiry Officer.**

Nil

**List of Documents of 1st Party/CSE marked in the Enquiry**

1.	Letter dated 3-5-2004 of first party to the Sr. Manager, Canara Bank, Bangalore.	DEX-1
2.	Letter dated 20-4-2003 of Shri Raju to the Deputy General Manager, Canara Bank, Bangalore.	DEX-2
3.	Letter dated 20-4-2003 of Shri Michel to the Deputy General Manager, Canara Bank, Bangalore.	DEX-3
4.	Letter dated 20-4-2003 of Shri S. Ravi to the Deputy General Manager, Canara Bank, Bangalore	DEX-4

नई दिल्ली, 19 मार्च, 2012

का. आ. 1355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल

**APPEARANCE:**

On behalf of the : Mr. P. C. Gochhayat, Manager of the Bank.

On behalf of the : Mr. R. Chattopadhyay, Treasurer if the Bank Employees' Federation (WB) with Mr. A. Mitra, Secretary of the Punjab National Bank Shramik Union.

State : West Bengal. Industry : Banking

Dated : 14th February, 2012

**AWARD**

By Order No. L-12011/104/2007-IR (B-II) dated 7-1-2008 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication.

“Whether the claim of the union for absorption and regularization of Shri Gurupada Das, working as a part time sweeper, on the post of peon in the

subordinate cadre of the Punjab National Bank w.e.f. 1-6-2005 and to pay him usual pay and allowance and to release all other benefits attached to the said post w.e.f. that date, is justified and legal? If yes, to what other relief the workman is entitled for?"

2. On call today, Mr. P.C. Gochhayat, authorized representative of the management Bank is present and has filed one affidavit-in-chief in respect of one Mr. P.K. Bera who is also personally present. None is present from the side of the workmen.

3. It is found from the record that the authorized representative of the workmen union lastly appeared before this Tribunal on 28-2-2011 and thereafter 5 dates were given in the present reference and this is the 6th date. Today the present reference has been fixed for evidence on behalf of the workmen as a matter of last chance. Even the workmen union has shown no interest to appear before this Tribunal alongwith its authorized representative and the witness on their behalf to proceed with the evidence on behalf of the workmen. The conduct of the workmen union, as it appears from the order sheet is not praiseworthy, since the workmen union or its authorized representative was found absent without step on many occasions and so it is presumed that the workmen side is not interested to proceed with this matter any more, rather they are reluctant to pursue with the industrial dispute raised by them.

4. So, I do not find any cogent reason to pursue with this proceeding any more in the absence of any interest from the side of the workmen union and by treating no existence of any industrial dispute at present, the present reference is disposed of with a "No Dispute Award".

A "No Dispute Award" is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer  
Kolkata. Dated,

The 14th February, 2012.

नई दिल्ली, 19 मार्च, 2012

**का.आ. 1356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 40/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।**

[सं. एल-12012/54/2010-आईआर (बी.-II)]  
शीश राम, अनुभाग अधिकारी

New Delhi, the 19th March, 2012

**S.O. 1356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2010) of the Central Government Industrial Tribunal-cum-Labour**

Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 27-2-2012.

[No. L-12012/54/2010-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Thursday, the 23rd February, 2012

Present: A. N. JANARDANAN, Presiding Officer

#### INDUSTRIAL DISPUTE No. 40/2010

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Indian Bank and their Workman).

#### BETWEEN

The Dy. General Secretary Indian Bank Employees Union 6, Moore Street. Mannady Corner Chennai-600001	:	1st Party/ Petitioner Union
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Vs.

The General Manager/Circle Head Indian Bank, Circle Office 510 Gandhi Road Kanchipuram-631501	:	2nd Party/ Respondent
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#### APPEARANCE:

For the 1st Party/Petitioner Union	:	Sri J. Thomas Jeyaprabhakaran Authorized Representative
For the 2nd Party/Management	:	M/s. T.S. Gopalan & Co., Advocates

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/54/2010-IR(B-II) dated 26-11-2008 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of Indian Bank, Chennai in dismissing Sri G. Elango from service of the bank is just and legal? What extent the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 40/2010 and issued notices to both sides. Both sides entered appearance through their authorized representatives and filed their Claim, Counter and Rejoinder Statement as the case may be.

3. The averments in the Claim Statement and rejoinder together bereft of unnecessary details are as follows :

The workman who joined services under the Respondent/Bank as Sub-Staff against the sports quota, subsequently promoted to clerical cadre, while was working at , Pudupet Branch was issued a Show Cause Notice dated 30-10-2007 alleged of having obtained on 30-08-2007 another blank cheque no. 724676 from Account Holder Mr. Perumal signed by him on the false reason that earlier cheque given had some defects, with fraudulent intention; failed to return the earlier cheque allegedly defective; on 13-08-2007 fraudulently debited Rs. 1,10,000 from the SB A/c of the A/c Holder by using the fraudulent cheque; by use of the proceeds drew a Demand Draft No. 622186 on Indian Bank, Service Branch, Chennai and issued in favour of Canara Bank, Santhome Branch, Chennai for Rs. 1,09,483 after collecting charges for OBC which was collected by the Canara Bank in favour of Elizabeth A/c Holder of their SB A/c No. 2841; according to Elizabeth she paid the amount to Sri G. Elango through her Son-in-Law B. James, Elango's friend; thus Elango involved himself in the fraudulent transactions amounting to misappropriation by tampering and destroying office records and documents detrimental to the interests of the bank. Four covers sent to two addressees available were returned un-served and the charge sheet dated 24-11-2007 was issued. An enquiry was held marking 25 documents and examining five management witnesses with two documents on the defence side. The workman himself got examined as defence witness. The management can deal with him as a delinquent only if he is not put on trial within a year of the commission of the offence. If under Clause-4 in case of proceeding against an employee he shall be deemed to have been on duty during the period of suspension with full wages and allowances. If after enquiry he is not allowed to continue in service he shall be liable only for termination with 3 months pay in lieu of notice. Pending completion of the trial and to wait for decision of the Court the proceeding shall be stayed if in the meantime he is put on trial. Management ought to have waited for departmental action till prosecution proceedings are over. He is thereby prejudiced. In the meantime the prosecution trial also had commenced at the Court. After suspending the departmental proceedings for a brief period Management once again resumed the same on 25-8-2008 and concluded it. The enquiry proceedings thus got vitiated. On conclusion of the enquiry, in lieu of termination with 3 months pay he is dismissed from service. Suspension should be deemed as one on duty before proceeding with the enquiry. Two letters one written by Perumal with much resemblance, though apparently with different handwriting, leading to the inference that both should have been written by the same person, were refused to be referred to FSL though defence volunteered to meet the charges, if any. Only under threat upon workman's wife and on her prevailing upon Elango he issued the self-

incriminating statement of having fraudulently debited Rs. 1,10,000 from the SB A/c of Perumal. Confession of having destroyed by himself the vouchers was also brought about by coercion upon the workman. The deposition of witnesses is riddled with too many contradictions. The disputed cheque was only handed over by the a/c holder to him with whom he had financial deals, which stand the account holder later changed with ulterior motive. After the legal formalities he was imposed with the punishment of dismissal without notice. Appeal was dismissed on 25-2-2009. ID raised having failed the reference is occasioned. Dismissal is illegal, unjustified and is victimization in unfair labour practice. The entire evidence is to be re-appreciated under Section-11A of the ID Act. It is prayed that the workman may be reinstated into service with all benefits.

4. Counter Statement averments briefly read as follows :

On 8-9-2007 one Perumal, Account Holder of A/c No. 7396 complained to the Branch that there was a withdrawal of Rs. 1.10 lakhs from his account not withdrawn by him. On 3-8-2007 when the customer wanted to withdraw Rs. 20,000 the workman in the counter informed that the signature in his cheque was not proper demanding another cheque which was given duly signed for the withdrawal of Rs. 20,000 without taking back the other cheque no. 724676 making use of which withdrawal of Rs. 1.10 lakhs on 13-08-2007 was made. The cheque was found presented by one Mrs. Elizabeth and her account was credited with Rs. 1,09,483 deducting a commission of Rs. 517. Investigation confirmed that the cheque collected through James, friend of the workman, that Elango gave it to him. Mr. Elango having informed that he did not have any account due to his leave problems his (James) request was sought for the collection of the cheque. After collecting the amount James recovered Rs. 20,000 which Elango was owing to him and paid the balance to the workman. Mr. James and Mrs. Elizabeth gave letters to the above. Workman also admitted the facts by a letter dated 11-9-2007. He had removed the concerned voucher. On 10-9-2007 he was placed under suspension. He was issued with Show Cause Notice on 30-10-2007 referring to the sum of Rs. 1.10 lakhs and the draft in favour of Canara Bank in respect of Cheque No. 724676 drawn on SBA/c No. 7396, the draft under his handwriting and paid by Service Branch, Chennai on 16-8-2007. The Show Cause Notice was returned undelivered. On 24-11-2007 charge sheet was issued to him and the enquiry was decided to be kept in abeyance on an advice of the legal department. The period of one year having expired on 13-8-2008, on 14-8-2008 the enquiry was informed of being recommenced and was resumed

on 25-8-2008 in which they attended. The enquiry report dated 6-10-2008 holding him guilty of charges was served to the workman by a copy. After observing the formalities of a Second Show Cause Notice proposing punishment and personal hearing dated 20-11-2008 punishment of dismissal was passed on 1-12-2008. Appeal preferred was rejected on 25-2-2009. The punishment is justified and is not to be interfered with. The enquiry is in accordance with the principles of natural justice and is not vitiated. There is no allegation that for not initiating disciplinary action before the expiry of one year of the date of incident, for alleged violation of principles of natural justice he has been prejudiced. He fully availed opportunities in the enquiry for all purposes. By a grossly delinquent, it is naive to contend that he should be let off without any punishment. No objection was there for recommencement of the enquiry on 25-8-2008 or about that part of the enquiry which preceded. Trial of criminal case had not then begun. Perumal denied having given letter dated 28-9-2007 and stated that his signature was forged. Workman as witness stated that the said letter was in the pocket of his brother-in-law, retrieved from his pocket after his death on 1-12-2007. There was no point in referring the letter to the FSL. Perumal complained on 8-9-2007 which immediately followed an investigation. There is no reason why Investigation Officer or Staff Members should falsely implicate him. The fraudulent intention of the workman is manifested in his or the series of the transactions. The dismissal is not on extraneous reason to allege victimization and unfair labour practice and the same is to be upheld.

#### **5. Points for consideration are :**

- (i) Whether the dismissal from service of Sri G. Elango by bank is just and legal?
- (ii) To what extent the workman is entitled to relief?

6. Evidence consists of the testimony of WW1 and Ex. W1 to Ex. W13 on the petitioner's side and Ex. M1 to Ex. M33 marked on consent with no oral evidence on the Respondent's side,

#### **Points (i) & (ii)**

7. Heard both sides. Perused the records, evidence and the written submissions on behalf of the petitioner. Both sides keenly argued in terms of their respective pleadings. Conspicuous arguments advanced on behalf of the petitioner include, that due to violation of Clause-4 of Bipartite Settlement dated 10-4-2002 the workman has been prejudiced in incurring financial loss. The factum of the workman having been sought to be prosecuted as early on 30-8-2007 was not brought to the notice of the employee. He came to know about it only on 20-2-2008 during the enquiry. This shows Management's prejudiced approach

towards him in victimizing him under unfair labour practice. The workman is only liable for termination with three months pay and allowances in lieu of notice. Against period of suspension being treated as on duty the same is treated as one on suspension only. Such violation against the settlement is illegal and the order is rendered null and void. If the cheque, second in the ordinal numeral was given the same day on 3-8-2007 there should not have been the gap discernible between the two cheques firstly with number 724671 and secondly with number 724676 indicating that the second one was not handed over the same day. Hence the case of the workman that between himself and the customer the case of land dealings assumes worthy of credence and the customer has retracted from his earlier statement affirming that. Apparently confession as to destroying of voucher by the workman is obtained under pressure only. Ex. M11 letter dated 9-9-2007 of Mr. B. James and Ex. M27 letter dated 5-10-2007 by James to Elango are discrepant. Customer also had two different versions like James. James was not allowed to be cross-examined to clarify the discrepancy to the prejudice of the workman, which he later retracted under Ex. M28 letter dated 28-09-2007 of Perumal to Elango. The customer disowned signature on Ex. M28. Ex. M19 dated 5-11-2007 of Perumal to District Superintendent of Police, Tiruvallur and Ex. M28 will on scrutiny evidere considerable similarity interse in the handwriting and signature in both which was not allowed to be made clear by an FSL test to the prejudice of the workman.

8. On behalf of the Respondent the focus of on the argument was that two cheques were given by the customer to the workman is not disputed, that the workman himself confessed regarding the misconduct on 10-8-2007 and has given evidence on 28-2-2008. His retracting statements are those got manipulated deviating from the true and genuine confessions made earlier. The cheque issued was blank cheque. The versions of the petitioner are not believable. It is in order to get over the impact of the confession made earlier that the retracting letters were got procured from the concerned persons at the instance of the workman. Under the theory of prejudice only with the establishment of actual prejudice consequence of violation of principles of natural justice can step into in order to render the enquiry vitiated. Burden of proof of prejudice is upon the workman only. Complaint to Police was at the instance of Perumal, the customer only and not by the Management. There is no scope for interference with the finding or the punishment. The claim is to be dismissed.

9. On a careful consideration of the rival contentions with reference to the relevant materials, I am led to the conclusion that there is no merit in the contentions on behalf of the petitioner. That he has committed the misconduct is proved from—the evidence adduced as well as from the fact that the workman concerned has confessed to have committed the misconducts including destruction

of the vouchers. He has already admitted in his evidence before this Tribunal that he has fully participated in the enquiry. There is no evidence adduced by the workman to prove the dealings between him and the customer in land transactions. He seeks the said proposition to be inferred without any factual basis thereto. From the materials the misconduct charged against the workman fully stands established and the correct finding has been entered by the Enquiry Officer. The punishment imposed is also just and proportionate to the gravity of the misconduct which also is not liable to be interfered with. The action is just and legal. The petitioner is not entitled to any relief.

10. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd February, 2012)

A. N. JANARDANAN, Presiding Officer

**Witnesses Examined:**

For the 1st Party/Petitioner : WWI, Sri G. Elango

For the 2nd Party/Management : None

**Documents Marked:**

**On the Petitioner's side**

Ex. No.	Date	Description
Ex. W1	30-10-2007	Show Cause letter ref. DPAS:366:2007
Ex. W2	24-11-2007	Charge Sheet Ref. DPAS:366:2007
Ex. W3	29-09-2008	Letter dated 29-09-2008 by defence representative Sri Thomas Jaya Prabhakaran enclosing the summing up
Ex. W4	10-10-2008	Letter ref. VIG:DP:AS366:2007 enclosing the findings dated 6-10-2008 of the Enquiry Officer
Ex. W5	21-10-2008	Sri G. Elango's comments over the Enquiry Officer's findings
Ex. W6	6-11-2008	Second Show Cause Notice issued to Sri G. Elango
Ex. W7	25-11-2008	Reply to the Second Show Cause Notice
Ex. W8	1-12-2008	Punishment Order served on Sri G. Elango Ref: DPAS:366:2007
Ex. W9	7-1-2008	Appeal preferred by Sri G. Elango before General Manager/Appellate

Ex. W10	25-2-2009	Authority, Circle Office, Kancheepuram
Ex. W11	2-4-2009	General Manager/Appellate Authority on the appeal
Ex. W12	7-7-2009	Dispute raised under Section 2(A) of ID Act, 1947 by Sri G. Elango
Ex. W13	22-7-2009	Reply by Asstt. General Manager/HRM ref. no. IRC:Asstt. Labour Commissioner:362:2009
		Rejoinder submitted by the Union ref. IBEU:107:2009

**On the Management's side**

Ex. No.	Date	Description
Ex. M1	7-12-2007) 22-12-2007) 31-12-2007) 14-1-2008) 30-1-2008) 6-2-2008) 13-2-2008) 20-2-2008) 28-2-2008)	Enquiry Proceedings
Ex. M2	Aug/Sept.2007	Attendance Register for Aug. and Sept. 2007
Ex. M3	—	SB 7396 Specimen Card
Ex. M4	9-2-2006	SB 7396 Operating Form
Ex. M5	8-9-2007	Letter dated 8-9-2007 of Sri S. Perumal, SB 7396 to Branch Manager, Pudupet Branch
Ex. M6	—	SB 7396 Ledger Sheet 853816 with transactions from 10-2-2006 to 6-9-2007
Ex. M7	3-8-2007	Cheque No. 724671 dated 3-8-2007 on SB 7396 for Rs. 20,000
Ex. M8	13-8-2007	DD Issue Register dated 13-8-2007
Ex. M9	13-8-2007	No. 622186 dated 13-8-2007 of Pudupet Branch issued in favour of Canara Bank, Santhome Branch
Ex. M10	—	Despatch Register from 13-8-2007 to 16-8-2007
Ex. M11	9-9-2007	Letter dated 9-9-2007 of Mr. B. James.
Ex. M12	9-9-2007	Letter dated 9-9-2007 of Mrs. Elizabeth

Ex. M13	—	Xerox copy of passbook of Mrs. G. Elizabeth bearing No. SB 2841 with Canara Bank, Santhome Branch with entries from 31-07-2006 to 17-08-2007	Ex. M30	10-12-2007	-do- reminder
Ex. M14	10-09-2007	Letter dated 10-09-2007 of Pudupet Branch Manager reporting the incident.	Ex. M31	19-09-2007	Presenting Officer's brief on the enquiry
Ex. M15	10-09-2007	Letter dated 10-09-2007 of Pudupet by Branch Manager and other staff members of the Branch	Ex. M32	20-11-2008	Copy of Personal Hearing
Ex. M16	10-09-2007	Letter dated 10-9-2007 of Mr. Elango	Ex. M33	18-02-2009	Copy of proceedings of personal hearing.
Ex. M17	11-09-2007	Report of Sri V. Valmikinathan, Manager dated 11-9-2007			नई दिल्ली, 19 मार्च, 2012
Ex. M18	20-09-2007	Letter dated 20-9-2007 of Canara Bank, Santhome Branch			<b>का.आ. 1357.—</b> —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारे यू. पी. ग्रामीण बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली के पंचाट (संदर्भ संख्या 40/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-2012 को प्राप्त हुआ था।
Ex. M19	05-11-2007	Letter dated 5-11-2007 of Sri S. Perumal, SB 7396 to District Superintendent of Police, Tiruvallur			[सं. एल-12012/67/2010-आईआर (बी.-I)]
Ex. M20	—	Four covers sent to the CSE returned-in the closed condition			रमेश सिंह, डेस्क अधिकारी
Ex. M21	18-12-2007	Canara Bank, Santhome Branch letter dated 18-12-2007			New Delhi, the 19th March, 2012
Ex. M22	12-12-2007	CO Kanchipuram letter dated 12-12-2007 to Canara Bank, Santhome			
Ex. M23	11-09-2007	CO Kanchipuram letter dated 11-09-2007 to Canara Bank, Santhome			<b>S.O. 1357.—</b> In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Sarv UP Gramin Bank, and their workmen, received by the Central Government on 16-3-2012.
Ex. M24	30-10-2007	Show Cause Notice dated 30-10-2007 issued to the CSE			[No. L-12012/67/2010-IR(B-I)]
Ex. M25	—	Nine covers sent to CSE returned in the closed Condition			RAMESH SINGH, Desk Officer
Ex. M26	03-01-2008	Letter dated 03-01-2008 of Indian Bank, Tiruvallur enclosing the complaint of Sri Perumal addressed to the District Collector, Tiruvallur dated 05-11-2007			<b>ANNEXURE</b>
Ex. M27	05-10-2007	Letter by James addressed to Elango			<b>BEFORE DR. R. K. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, KARKAROOOMA COURTS COMPLEX: DELHI</b>
Ex. M28	28-09-2007	Letter by Perumal addressed to Elango			<b>I.D. No. 40/2010</b>
Ex. M29	22-11-2007	Letter of CO Kanchipuram addressed to Elango for payment of Rs. 1.10 lakhs with interest			Shri Mohd. Azim, S/o Mohd. Saddiq, B-185, Sector 23, Raj Nagar, Ghaziabad (U.P.).
					...Workman
					<b>Versus</b>
					1. The Chairman, Sarv UP Gramin Bank, C-408, Jagriti Vihar, Garh Road, Meerut (U.P.).
					2. The Sr. Manager, Sarv U.P.Gramin Bank, Regional Office, C-39/5, Jagriti Vihar, Meerut (U.P.).
					...Management

**AWARD**

A driver-cum-messenger was appointed by the erstwhile Hindon Gramin Bank on 21-1-1988 at its Head Office branch located at Rajnagar, Ghaziabad, U.P. He was confirmed on the said post on 21-1-1989. Vide order dated 25-1-2002, he was transferred to Doohri branch of the bank, as messenger. He assailed the order of his transfer before High Court of Judicature at Allahabad by way of writ petition No. 5464 of 2002, which petition was disposed of vide order dated 24-9-2003 announcing that there was no legal error or arbitrariness in the impugned order. The High Court ruled that service of the employee was transferable and he has been sent to branch office to work as messenger. With an observation that wherever the work of driver becomes available the Sr. Manager shall consider to assign him duties of a driver, the petition was disposed of. When relieved to join, he joined Doohri branch of the bank on 20-12-2003. At Doohri branch he refused to perform duties of a messenger on the pretext that post of messenger-cum-peon is lower than the post of driver-cum-messenger. When written instructions were issued, he refused to carry out the same and wrote letter to the Chairman of the bank bypassing the prescribed channel. He also refused to give receipt as and when stationery items and mail from the Head Office of the bank were received.

2. Show-cause notice dated 17-9-2007 was served on the driver-cum-messenger, namely, Mohd. Azim. When his reply was found to be unsatisfactory, the bank decided to conduct domestic enquiry. Charge-sheet dated 16-10-2007 was served. He gave his reply dated 31-10-2007. On 29-11-2007 charge-sheet was converted into gross misconduct charge-sheet and articles of charges were sent to the claimant. He opted not to make any reply to it. Enquiry was conducted. On consideration of the findings of the Enquiry Officer, punishment of removal from service was awarded to him, vide order dated 9-6-2009. No appeal was filed against the order of punishment. However he raised an industrial dispute before the Conciliation Officer. On failure of the conciliation proceedings, the appropriate Government referred the dispute to this Tribunal, vide order No. L-12012/67/2010-IR(B-I) New Delhi, dated 09-09-2010, with the following terms:

“Whether the action of the management of Sarv UP Gramin Bank in terminating the services of Mohd. Azim, employed as Driver-cum-Messenger at Dhoori Branch, Ghaziabad, is legal and justified? If not, what relief the concerned workman is entitled to?”

3. In claim statement, the claimant pleads that he was appointed and confirmed on the post of driver-cum-messenger. Post of driver-cum-messenger in Regional Rural Banks (in short RRBs) has been equated to the post of driver in Sponsor Banks by the Equation Committee, based on award dated 30-4-90 passed by the National Industrial Tribunal (in short NIT). Instead of giving him salary of a

driver, his pay was reduced to the category of a messenger. He was transferred to Doohri branch of the bank on the post of messenger, on the ground of non-availability of a vehicle. Gypsy bearing registration No. UP 111 D-5399, which was driven by him, was replaced by an Ambassador Car No. DL-2C M 2276 in Sept. 2000. He drove that car upto Oct. 2001 when another driver, namely, Deepu was engaged. Shri L. K. Sinha, Chairman of the bank, took the car alongwith him on his transfer to Regional Officer, Punjab National Bank at Meerut. After about 15 days, the car was returned by Shri Sinha, pleads the claimant.

4. In claim statement, the claimant projected that on his transfer to Doohri branch of the bank he was treated as messenger-cum-peon and not as driver-cum-messenger. He was forced to sign vouchers, with a view to project that he was working as messenger. He opted not to sign those vouchers, since it was a modus operandi to reduce his status. He presents that charges levelled against him are arbitrary and illegal. The Enquiry Officer conducted the enquiry on two hearings and thereafter submitted his report on 9-2-2009. The enquiry was conducted in an arbitrary manner, without an opportunity to rebut the allegations by way of examination of witnesses in his defence. According to him, the enquiry was not fair and proper. Punishment awarded to him does not commensurate with the alleged misconduct. He claims that no wrong was committed, for which punishment may be awarded. He seeks reinstatement in the service of the bank with continuity and full back wages.

5. The bank demurred the claim pleading that the claimant was transferred to Doohri branch, on account of shortage of staff in the bank. The Competent Authority decided to take work of messenger from the claimant, in need. Chairman of the bank engaged a personal driver and there was no other vehicle on which services of the claimant could be availed. He assailed his orders before High Court of Allahabad by way of writ petition No. 5464/02, which petition was disposed of with the observation that as and when work of driver becomes available, the bank shall consider to assign him duties of a driver. However, the High Court did not find any illegality or arbitrariness in his transfer at Doohri Branch, where he was sent to work as messenger. He refused to perform job of messenger. As and when he was commanded to seal and maintain voucher register, he opted not to perform those duties. Letters dated 27-10-06 and 8-6-07 were written, but in vain. He refused to issue receipt as and when he was asked to get stationery items and mail from Raj Nagar branch of the bank. He wrote letter dated 10-11-06 to the Chairman of the bank, by-passing prescribed channel. Consequently, the bank decided to conduct a domestic enquiry. Charge-sheet dated 16-10-07 was served upon him. He tendered his reply dated 31-10-07 and on consideration of the reply the bank decided to convert that charge sheet into major misconduct charge-sheet. Letter dated 29-11-2007 was written alongwith copy

of Articles of Charges, calling upon his reply. No reply was tendered by him. An Enquiry Officer was appointed, who conducted domestic enquiry in accordance with principles of natural justice. Due opportunity was given to him to defend himself. The Enquiry Officer concluded the enquiry and submitted his report to the Disciplinary Authority. The Disciplinary Authority served a notice of proposed punishment on the claimant. On consideration of his reply and facts presented during personal hearing, order dated 9-6-09 was passed, removing him from service of the bank. No appeal against that order was preferred. Enquiry conducted by the bank was in consonance with principles of natural justice. Claimant is not entitled to any relief, pleads the bank.

6. On pleadings of the parties, following issues were settled :

1. Whether the enquiry conducted against the claimant was just, fair and legal?
2. As in terms of reference.
3. Relief.

7. On appreciation of facts testified by Shri Praveen Vasistha and the claimant, relating to virus of the enquiry conducted by the bank, the preliminary issue was answered in favour of the claimant and against the bank, vide order dated 24th January, 2011.

8. To prove misconduct of the claimant Shri V. K. Kaul entered the witness box. The claimant again deposed facts to rebut evidence of Shri Kaul. No other witness was examined by either of the parties.

9. Arguments were heard at the bar. Shri Vikram Agarwal, authorised representative, advanced arguments on behalf of the claimant. Ms. Navdeep Kaur, authorised representative, presented her point of view on behalf of the bank. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

10. Shri V. K. Kaul confirms factum of appointment and confirmation of the claimant on the post of driver-cum-messenger on 20-1-1988 and 21-1-1989 respectively, in his affidavit dated 11-2-2011, tendered as evidence, he details that the Equation Committee Report dated 19-2-91 equates drivers-cum-messengers in RRBs with drivers in Sponsor Banks. When there is nib driving work, driver-cum-messenger should discharge duties of messenger. He unfolds that as per NIT Award scale of pay of the applicant was fixed on stage to stage basis. The employees, who had rendered service less than one year on 1-9-1987, were to be placed in first stage and those who had completed one year of service but not completed five years of service on 1-9-1987 were to be placed in second stage. Since the claimant was appointed on 21-1-1988 hence was placed in first stage of pay scale of Rs. 815-20/1-835 -25/1-860-30/4-

980-35/4-1120-40/6-1360-50/3-1510. Hence his basic pay was fixed at Rs. 815 plus driving and other allowances admissible as on 21-1-1988. In this pay scale all revisions/settlements made from time to time were also allowed to him.

11. Initially driving work was taken from the claimant, but on account of acute shortage of staff Competent Authority decided to take work of messenger from him. However driving allowance was continuously paid to him, without the driving work. Mohd. Azim did not perform the job of messenger, hence "Articles of charges" and charge-sheet dated 16-10-2007 were served on him. The claimant himself admitted that he did not perform duties of messenger assigned to him, unfolds Shri Kaul in his affidavit. During the course of his cross-examination, he asserts that a driver-cum-messenger is supposed to drive vehicle of the bank, besides duties of stitching vouchers, entering them in the register, putting his signatures on vouchers and other subordinate duties. A messenger-cum-peon is under an obligation to perform the above duties except the duty to drive a vehicle. A driver-cum-messenger is given special allowances, in respect of his duties of driving a vehicle. When the claimant refused to put his signature on vouchers and voucher register, the branch manager had put his signatures over them. The claimant used to stitch vouchers but never put his signatures on register as custodian of vouchers.

12. Instead of adducing any evidence, the claimant adopted his affidavit Ex. WW1/A in rebuttal to the evidence of Shri Kaul. In Ex. WW1/A facts, which were pleaded in the claim statement, were reiterated. During the course of his cross-examination, he admits that despite direction of the branch manager he had not signed register of vouchers. He asserts that since he was appointed as driver-cum-messenger it was not a part of his duties. He announces that when a vehicle is not available he will not perform job of a messenger.

13. What are the duties of a driver-cum-messenger? Whether equation of a driver-cum-messenger of RRBs with driver of Sponsor Bank would absolve him from performance of duties of a messenger? Whether transfer of claimant at Doohri branch as messenger resulted in reduction of his status? Whether he was put to any financial loss by the bank? Above core questions are precursory to the question as to what misconduct, if any, was committed by the claimant. In subsequent sections, above questions would be answered first and thereafter arena of misconduct would be traversed.

14. As projected by the parties, Equation Committee was appointed by the Government of India, which have its report dated 16-1-91. Government accepted N.I.T. Award dated 30-4-90 and recommendations of the Equation Committee and issued instructions, in terms of proviso (1) appended to Section 17 of the Regional Rural Banks Act, 1976, to implement the same. Equation Committee Report is

the basic document, which spell out the duties of driver-cum-messenger in RRBs. Para 2.7.19 of the report details that the drivers/driver-cum-messenger in RRBs be equated with drivers in Sponsor Banks. Whenever there is no driving work, the drivers/driver-cum-messengers should discharge duties of messengers. As the basic salary structures of drivers is that of messengers and special allowance is paid for driving work, they are not entitled for any extra payments for discharging duties of subordinate staff. It was noticed in the report that it was not uncommon in sponsor banks to give combined designations to drivers and assign to them the normal duties of subordinate staff when they are not required to drive the vehicles. Hence on discharge of duties of sub-staff they are not entitled for any extra payment.

15. Equation Committee Report recommends in para 2.7.9 that the sub-staff in RRBs viz. messenger/messengers-cum-peons/peons/sweepers and part-time regular messengers be equated with the sub-staff of Sponsor Banks viz. messengers/peons/sweepers and part-time messengers/peons of the concerned Sponsor Bank. It proceeds that special allowance wherever applicable in the concerned Sponsor Bank be extended to sub-staff of RRBs. The following sub-staff posts carrying special allowance in Sponsor Banks are relevant for RRBs : (i) cyclostyle machine operator, (ii) watchman/watchman-cum-peon, and (iii) armed guard.

16. Contents of Equation Committee Report spells that of driver-cum-messenger in RRBs is equated with the post of driver in concerned Sponsor Bank. Driver-cum-messenger is entitled to special allowance for driving work, besides the pay in basic salary structure of messenger. When there is no driving work available, a driver-cum-messenger should discharge duties of messenger. No different facts are projected by the claimant in this regard. He cannot disown the recommendations of the Equation Committee Report, which has been accepted and implemented, vide letter No. 11-3/90-RRB (1) dated 22-2-91 issued by Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi. Thus it stands established that besides driving duties, a driver-cum-messenger shall discharge function of a messenger. In the absence of driving work, he shall perform functions of a messenger. Equation of post of driver-cum-messenger with the post of driver in Sponsor Bank would not absolve a driver-cum-messenger in RRBs from messengerial duties.

17. Letter No. 11-3/90-RRB(1) dated 22-2-91 prescribes procedure for fitment in new scales of pay. It has been provided that fitment into the new scales of pay should be on the basis of protection of Pay + D.A. drawn by RRB employees/officers in the existing RRB scales. For the purpose of fitment Pay + D.A. means Basic Pay, Dearness Pay, Dearness Allowance, Adhoc or Additional DA, Interim Relief or any such allowance which forms part of pay or D.A. The fitment in new scales of pay on

appointed date, that is on 1-9-87, should be such that the Pay + DA in the new pay scale is fixed at an equivalent stage, if there is such a stage in new pay scale. Employees of RRBs in workman cadre on the appointed date, in the first instance, were to be fitted into corresponding pay scales of equated posts in their Sponsor Banks, as was given in Annexure-I to the letter referred above. The claimant was to be fitted in the pay scale of a driver in the Sponsor Bank, that is the Punjab National Bank. An employee, who have completed 5 years or more was to be placed atleast at the third stage in the new scales of pay.

18. As per facts of the case, the claimant joined service on 21-1-1988, hence he was to be placed at first stage of the new scale of driver in the Punjab National Bank. As unfolded by Shri Kaul the claimant was placed at "first stage" and his basic pay was fixed at Rs. 815 in the pay scale of Rs. 815-20-835-25-860-30-980-35-1120-40-1360-50-1510. It is not his case that there was some different scale of pay for driver in the Punjab National Bank. Besides his fixation at Rs. 815 driving allowance and other allowances, as admissible, were paid to him. Letter Ex. WW1/8 makes it clear that the claimant admits that pay of driver was being paid to him by the bank. Hence it is clear that the claimant was not put to any financial loss by the bank.

19. Letter Ex. WW1/3 announces that the claimant was transferred to Doohri branch of the bank to serve as a messenger. Admittedly Equation Committee Report does not equate a post of driver-cum-messenger with the post of messenger/peon in Sponsor Bank. Aggrieved by the transfer order, the claimant moved High Court of Judicature at Allahabad by was of a writ petition No. 5464 of 2002, which was disposed of vide order dated 24-9-2003. While relying the report of the Equation Committee with profit, the High Court observed thus :

"The Committee is of the opinion, that keeping in view the provisions of the Award and the relief granted by the NIT, there is sufficient ground to equate the posts of drivers and driver-cum-messenger in RRBs with the posts of drivers in the Sponsor Banks. The drivers will also be entitled to the special allowance as provided for in various bipartite settlements in sponsor banks. However, the committee does not approve of the demand of the Associations that in future, the services of drivers should solely be utilised for the purpose of driving work and no messenger work should be taken from them unless additional amount is paid. It is not uncommon in sponsor banks to give combined designations to drivers and assign to them the normal duties of sub-ordinate staff when they are not required to drive the vehicles. As the basic salary structure of drivers is that of messengers and as special allowance is paid for driving work, they are not entitled for any extra payments for discharging duties of sub-ordinate staff. Therefore, whenever

there is no driving work in the RRBs, the drivers/ driver-cum-messengers should discharge the duties of Messenger.

The aforesaid award is binding between parties and shows that pay scale for the post of driver-cum-messenger and driver is same. Drivers are entitled to get special allowances only when they are doing driving work. They are not entitled to any extra payment for discharging duties of subordinate staff.

Petitioner was appointed as driver-cum-messenger. The fact that he was required to work as driver at the head office for some time does not entitle him to continue as driver. In the counter affidavit, it is stated in paragraph-6 that the Gypsy (Maruti) driven by petitioner has since been disposed off and that no other vehicle has been purchased to replace it and that petitioner was since thereafter working as messenger. I do not find any legal error or arbitrariness in the impugned order. Petitioner's service are transferable and that he has been sent to branch office to work as messenger.

This writ petition is as such disposed of with observation that whenever the work of driver becomes available the Senior Manager shall consider to assign to him the duties of a driver."

20. As detailed above, High Court did not find any error or arbitrariness in the order Ex. WW1/3, on the strength of which the claimant was transferred to Doothri branch to work as messenger. Whether the order, referred above, would preclude the claimant from re-agitating that very issue? For an answer it would be considered whether the order passed by the High Court operates as res-judicata? Section 11 of the Code of Civil Procedure 1908 (in short the Code) embodies the doctrine of res-judicata or the rule of conclusiveness of a judgment, as to the point decided either of fact, or of law, or of fact and law, in every subsequent suit between the same parties. It enacts that once a matter is finally decided by a competent court, no party can be permitted to reopen it in a subsequent litigation. The doctrine of res-judicata has been explained in the simplest possible manner by Das Gupta J. in the case of *Statyadhyana Chosal Vs. Deorajin Debi* (AIR 1960 S.C. 941) in the following words :

"The principle of res-judicata is based on the need of giving a finality to judicial decision. What it says is that once a res-judicata, it shall not be adjudged again. Primarily it applies as between past litigation and future litigation. When a matter —whether on a question of fact or a question of law—has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher court or because the appeal was dismissed, or no appeal lies, neither party can be allowed in a future suit or proceeding, involving the same parties to canvass the matter again."

21. It is not every matter decided in a former suit that will operate as res-judicata in a subsequent suit. To constitute a matter as res-judicata under Section 11 of the Code, the following conditions must be satisfied :

1. The matter directly and substantially in issue in the subsequent suit must be the same matter which was directly and substantially in issue either actually or constructively in the former.
2. The former suit must have been a suit between the same parties or between parties under whom they or any of them claim.
3. Such parties must have been litigating under the same title in the former suit.
4. The court which decided the former suit must be a court competent to try the subsequent suit or the suit in which such issue is subsequently raised.
5. The matter directly and substantially in issue in the subsequent suit must have been heard and finally decided by the court in the former suit.

22. Section 11 of the Code bars trial of any suit as well as an issue which had been decided in a former suit. Issue are of three kinds : (i) Issue of fact; (ii) Issue of law; and (iii) Mixed issues of law and fact. A decision on an issue of fact, however erroneous it may be, constitutes res-judicata between the parties to the previous suit and cannot be re-agitated in collateral proceedings. Law to this effect was laid in *Mathura Prashad Vs. Dossibai* [1970(1) SCC 613]. A mixed issue of law and fact also, for the same reasons, operates as res-judicata.

23. To invoke plea of res-judicata it should be shown that the court which decided the former suit must have been a court competent to try the subsequent suit. Thus, the decision in a previous suit by a court, not competent to try the subsequent suit, will not operate as res-judicata. The expression "competent to try" means "competent to try the subsequent suit if brought at the time the first suit was brought". In other words, the relevant point of time for deciding the question of competence of the court is the date when the former suit was brought and not the date when the subsequent suit was filed. In order that a decision in a former suit may operate as res-judicata, the court which decided that suit must have been either —(a) a court of exclusive jurisdiction, or (b) a court of limited jurisdiction; or (c) a court of concurrent jurisdiction.

24. For articulation of an industrial dispute, the labour court or an industrial tribunal exercise adjudicatory jurisdiction. Task of an industrial adjudicator is tedious, who has to reconcile the head-on clash between the fundamental rights guaranteed by the constitution such as freedom of trade, freedom to practice any profession or to carry on any occupation and the directive principles enshrined in the constitution which are fundamental in the

governance of the country. He has also do the delicate task of balancing the conflicting interest of employer, employee and the public on very basic policies, such as, freedom and sanctity of contract, protection of business, right to work, making training available to employees, earning of livelihood for oneself and family, utilization of one's skill and talent, continued productivity, betterment of one's status, avoidance of one's becoming a public charge, encouragement of competition and development of national and international trade and avoidance of monopoly, promotion of collective bargaining and elimination of indiscipline in industry and so on. Questions on above issues are to be adjudicated by an industrial adjudicator. Though the constitution has vested powers of judicial review in High Courts and invested the Supreme Court with power to sit in appeal over the awards of industrial tribunals, yet industrial tribunals are courts of exclusive jurisdiction on the matters, which are referred to them by the appropriate Government under Section 10 of the Industrial Disputes Act, 1947 (in short the Act). High Court cannot enter into the adjudication process, using powers under sub-section (4) of Section 10 of the Act. Hence, it is clear that the High Court cannot articulate the dispute, referred by the appropriate Government for adjudication. Applying the analogy of Section 11 of the Code it is said that the High Court is not competent to entertain the present dispute, hence order of the High Court will not operate as res-judicata.

25. However there is other facet of the coin. The claimant seeks parity of the post of driver-cum-messenger in RRBs with the post driver in Sponsor Bank, relying the Equation Committee Report. But he opts to discard inconvenient portion of that report, which runs as under :

“...However, the committee does not approve of the demand of the Association that in future, the services of the drivers should solely be utilized for the purpose of driving work and no messenger work should be taken from them unless additional amount is paid. It is not uncommon in sponsor banks to give combined designation to drivers and assign to them the normal duties of subordinate staff when they are not required to drive the vehicles. As the basic salary structure of drivers is that of messengers and as special allowance is paid for driving work, they are not entitled for any extra-payments of discharging duties of subordinate staff. Therefore, whenever there is no driving work in the RRBs, the drivers/drivers-cum-messengers should discharge the duties of messengers”.

Thus it is emerging over the record that the claimant is approbating and reprobating the contents of para 2.7.19 of the Equation Committee Report, for which he cannot be permitted. When the claimant was paid salary of a driver, his status was not reduced, by calling upon him to perform messengerial duties.

26. Now it would be considered whether the bank has been able to prove mis-conduct of the claimant. Show-cause notice Ex. MW1/9 discloses that the claimant was neither stitching daily vouchers, nor received vouchers in joint custody, nor signed voucher register nor maintained it in his custody. It further divulges that when instructed to do so vide letters dated 21-10-2006 and 8-6-2007 he refused to comply orders of the branch manager. In his reply dated 3-10-2007, which is Ex.MW1/10, he asserts that he has been appointed for driving job and not for duties mentioned in Ex.MW1/9, which are duties of a peon. He presents that those duties are not acceptable to him. In reply dated 31-10-2007, which is Ex.MW1/13 same facts were repeated by him. In his testimony, recorded on 4-1-2011 which has been relied by him in rebuttal, he explains that bank was issuing reminders to him, calling upon him to sign vouchers as messenger-cum-messenger. He admits that there was only one vehicle in the bank, on which a personal driver was engaged by the Chairman of the bank. In his cross-examination dated 23-3-2011, he unfolds that till a vehicle is not made available, he will not perform job of a messenger. He admits that despite direction of the branch manager, he had not signed the voucher register, claiming that it was not the part of his duties. As held above, a driver-cum-messenger can be assigned messengerial job, when driver duties are not taken from him. Thus it is evident that the claimant did not perform job of a messenger at Doohri branch and defied directions of his branch manager in that regard.

27. Branch manager issued lawful orders calling upon the claimant to perform messengerial jobs. An employee must obey all lawful orders given to him by his employer. Obedience to lawful orders of superiors and loyalty to one's employer are inherent in the jural relationship of master and servant. See Somnath Sahu [1965 (1) LLJ. 349]. An employee however old and senior in service has no right to defy orders of his superior whatever his grievances may be in that behalf. See A.A. Fernandes [1990 (1) LLJ 538]. Disobedience to orders of a superior amounts to insubordination. A willful insubordination or disobedience of employer's orders, has therefore, been treated as a serious misconduct in industrial law. See Strawboard Manufacturing Co. [1962 (1) LLJ 420] and Anand Bazar Patrika (Pvt.) Ltd. [1963 (II) LLJ 429]. At the cast of repetition, it is said that the claimant refused to carry out lawful orders of the branch manager, which acts constitute serious misconduct. The bank has been able to prove misconduct of the claimant.

28. Punishment of removal from service was awarded to the claimant. It is well recognized principles of jurisprudence which permits the penalty to be imposed for misconduct that the penalty must be commensurate with the gravity of the offence charged. See Rama Kant Mishra (1982 Lab. I.C. 1790). Prior to introduction of Section 11 A of the Act it was considered the prerogative of the employer

to inflict punishment on delinquent workman, which was beyond the jurisdiction of industrial adjudicator to interfere. However inroads were made in this prerogative of the employer, by way of judicial review, when punishment was shockingly disproportionate to the proved act of misconduct. Section 11A of the Act gives alternative powers to an industrial adjudicator either to direct reinstatement of the workman on such terms and conditions as it thinks fit or to award some other relief, including award of lesser punishment in lieu of reinstatement, as the circumstance of the case may require. See *Firestone Tyre and Rubber Co. of (I) Ltd.* [1973 (I) LLJ 278].

29. "Lesser punishment" contemplated by Section 11A of the Act is not confined to the Standing Orders or any regulation of the employer. It takes in its sweep all punishment lesser than discharge or dismissal whether provided in the Standing Orders or regulation of punishment or not. Reference can be made to precedent in *District Manager A.P.S.R.T.G.(1978 Lab. I.C. 359)*. Now turning to the facts would reveal that the claimant refused to carry out orders of the branch manager and refused to sign voucher register, as joint custodian. However he stitched the vouchers and entered the same into voucher register. He was reeling under a belief that by signing the voucher he would admit his position as that of a messenger, which act would relegate his status. This impression was created when he wrongly understood the Equation Committee Report equating post of driver-cum-messenger in RRBs with the post of driver in sponsor bank. Bad luck spoiled his mind. On 3-3-2011 efforts were made for amicable settlement and bank was ready to reinstate him in service in case he accepts duties allotted to him minus duties of a driver. The bank was ready to pay him driving allowance also, without performance of driving duties. This settlement was not acceptable to the claimant. Destiny tried to give him a chance, which was not acceptable to him. When any other duties than driving a vehicle is not acceptable to stubborn claimant, in such a situation any other punishment than discharge from service is not left to be awarded, for he would not perform duties of messenger despite being paid driving allowance. Therefore lesser punishment than discharge from service cannot be ordered, in the facts and circumstances of the case. Considering all these facts, punishment of discharge simplecitor from service is awarded to the claimant, which will entail him eligible for all retiral benefits.

30. Whether the penalty of discharge simplecitor would relate back to the date of order of dismissal passed by the bank? For an answer, it is expedient to consider the precedents handed down by the Apex Court. In *Ranipur Colliery* [(1959) Supp. 2SCR 719] the employer conducted a domestic enquiry though defective and passed an order of dismissal and moved the Tribunal for approval of that order. It was ruled therein that if the enquiry is not defective, the Tribunal has only to see whether there was a prima

facie case for dismissal and whether the employer had come to the bonafide conclusion that the employee was guilty of misconduct. Thereafter on coming to that conclusion that the employer had bonafide come to the conclusion that the employee was guilty, that is, there was no unfair labour practice and no victimization, the Tribunal would grant the approval which would relate back to the date from which the employer had ordered the dismissal. If the enquiry is defective for any reason, the Tribunal would also have to consider for itself on the evidence adduced before it whether the dismissal was justified. However on coming to the conclusion on its own appraisal of evidence adduced before it that the dismissal was justified its approval of the order of dismissal made by the employer on defective enquiry would still relate back to the date when order was made.

31. In *Phulbari Tea Estate* [1960 (I) S.C.R. 32] the domestic enquiry held by the employer culminating in the order of dismissal was found to be invalid, being in gross violation of the rules of natural justice. Even before the Tribunal, the employer did not lead proper evidence to justify the order of dismissal and contended itself by merely producing the statement of certain witnesses recorded during the domestic enquiry and the workman had no opportunity to cross-examine the witnesses before the Tribunal. In the absence of any evidence before it, justifying the dismissal, the Tribunal set aside the order of dismissal and granted compensation in lieu of reinstatement, which order was upheld by the Apex Court. In that case question of relating back of the order of dismissal did not arise.

32. In *P.H. Kalyani* [1963 (I) LLJ 673] the employer dismissed the workman after holding a domestic enquiry into the charges. Since some dispute was pending before the Industrial Tribunal, the employer applied for "approval" of action of dismissal in compliance with the proviso to Section 33(2)(b) of the Act. The workman made an application under Section 33-A of the Act. Apart from relying on validity of domestic enquiry, the employer adduced all the evidence before the Tribunal in support of its action. On basis of evidence before it, the Tribunal came to the conclusion that the facts of misconduct committed by the workman were of serious nature involving danger to human life and therefore dismissed the application under Section 33-A and accorded "approval" to the action of dismissal taken by the employer. In this situation the Apex Court held that if the enquiry is not defective and the action of the employer is bonafide, the Tribunal will grant the "approval" and the dismissal would "relate back to the date from which the employer had ordered dismissal". If the enquiry is invalid for any reason, the Tribunal will have to consider for itself on the evidence adduced before it, whether the dismissal was justified. If it comes to the conclusion on its own appraisal of such evidence that the dismissal was justified, the dismissal would "still relate

back to the date when the order was made". Sasa Musa Sugar Works case (*supra*) was distinguished saying that observations made therein "apply only to a case where the employer had neither dismissed the employee nor had come to the conclusion that a case for dismissal had been made. In that case, the dismissal of the employee takes effect from the date of the award and so until then the relation of employer and employee will continue in law and in fact".

33. D.C. Roy [(1976) Lab. I.C. 1142] is the illustration where domestic enquiry held by the employer was found to be invalid being violative of principles of natural justice and the employer had justified the order of dismissal by leading evidence before the Labour Court, on appraisal of which the Labour Court found the order of dismissal justified. In appeal, the Apex Court upheld the award with the observation that "the ratio of Kalyani's case (*supra*) would therefore, govern the case and the judgment of the Labour Court must relate back to the date on which the order of dismissal was passed".

34. In Gujarat Steel Tubes Ltd. [1980 (1) LLJ 137] inverted image of the D.C. Roy's case was presented by a majority of three judge bench wherein it was held that "where no enquiry has preceded punitive discharge, and the Tribunal for the first time upholds the punishment, this court in D.C. Roy vs. Presiding Officer (*supra*) has taken the view that full wages be paid until the date of the award. There cannot be any relation back of the date of dismissal when the management passed the void order". Though the court ruled that law laid in D.C. Roy is correct yet it followed obiter instead of the decision.

Observations of the Apex Court in above decision, bearing on the relate back rule, were faulted in R.Thiruvirkolam [1997 (1) SCC 9] on the ground that they "are not in the line with the decision in Kalyani which was binding or with D.C. Roy to which Learned Judge Krishna Iyer J. was a party. It also does not match with the juristic principle discussed in Wade". The view taken in R.Thiruvirkolam (*supra*) was affirmed in Punjab Dairy Development Corporation Ltd. [1997 (2) LLJ 1041].

35. In view of the catena of decisions, detailed above, it is clear that an employer can justify its action by leading evidence before the Tribunal. This equally applies to cases of total absence of enquiry and defective enquiry. A case of defective enquiry stands on the same footing as no enquiry. If no evidence is led or evidence adduced does not justify the dismissal by the employer, the Tribunal can order reinstatement or payment of compensation as it may think fit. But if it finds on the evidence adduced before it that the dismissal is justified, the doctrine of relate back is pressed into service to bridge the time gap between the rupture of the relationship of employer and employee and the finding of the Tribunal.

36. If the workman is to be paid wages upto the date of the award of the Tribunal, the Parliament has to enact

so, declares the Delhi High Court in Ranjit Singh Tomar (ILR 1983 Delhi 802). Obviously the Act does not make any provision for the situation. In view of the above law, it is ordered that the order of discharge simplecitor will relate back to the date when the bank passed order of dismissal against the claimant. Award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 28-02-2012

नई दिल्ली, 20 मार्च, 2012

**का.आ. 1358.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14)** की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/64/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2012 को प्राप्त हुआ था।

[सं. एल-12012/48/1998-आई आर(बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 20th March, 2012

**S.O. 1358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/64/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 7-3-2012.**

[No. L-12012/48/1998-IR (B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/64/2002 Date : 24-02-2012

**Party No. 1 :** The Asstt. General Manager,  
Bank of Maharashtra, Regional Office,  
Mahabank Building, Abhyankar Road,  
Sitabuldi, Nagpur-440012.

#### VERSUS

**Party No. 2** Shri Govinda S/o. Kundlik Nagrikar,  
R/o. Nimkhed, Taluka-Mauda,  
Nagpur.

#### AWARD

(Dated: 24th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in

short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Bank of Maharashtra and their workman Shri Govinda Nagrikar, to CGIT-cum-Labour Court, Jabalpur for adjudication, as per letter No. L-12012/48/1998-IR (B-II) dated 31-12-1998, with the following schedule:—

“Whether the action of the management of Bank of Maharashtra in terminating the services of Shri Govinda w.e.f. 3-8-1996 is legal and justified? If not, to what relief the said workman is entitled?”

Subsequently the reference was transferred to this Tribunal for adjudication in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Govinda Nagrikar, (“the workman” in short) filed his statement of claim and the management of the Bank of Maharashtra (“Party No. I” in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he was appointed as a peon on daily wages basis, at Nimkheda Branch of the Bank on 30-7-1992, against a clear vacant post and from the date of such engagement, he worked continuously till 3-8-1996, the date of his illegal termination and the party no. I for the reason best known to it, avoided to give any sort of order in writing and he was assured by the party no. I regarding his continuation in service and permanency therein and he was being paid a meager amount of Rs. 20 per day and as he had completed more than 240 days of work, by virtue of the provisions contained in the standing orders, he was deemed to be a confirmed employee. The further case of the workman is that he was performing all the duties of a peon and he was performing his duties from 8.30 AM to 4.30 PM and in February, 1994, the regular peon of the Bank, Pandurang Manole was transferred to Arvi Branch and he continuously worked and performed all the duties regularly as a peon since 1994 and during the said period, he was paid Rs. 72 per day, but on 3-8-1996, his services were terminated orally by the Branch Manager and no written order was given to him in that respect and such act of party no. I was not only illegal, but also, an act of absolute unfair labour practice and before termination of his services, party no. I had neither given any notice nor paid any pay, in lieu thereof and the party no. I also did not pay any retrenchment compensation and though it was obligatory on the part of the party no. I to prepare the seniority list of all such daily wage earners and to have circulated the same, no such seniority list was prepared and as the mandatory provisions of Sections 25-F and 25-G of the Act and Rule 77 of the Industrial Disputes (Central Rules) 1957 were not complied with, the termination of his service was illegal and the work, which he was performing is still available and he gave approach notice, but the same was not considered and as his termination from services is illegal, the same is liable to be set aside. The workman has prayed

for his reinstatement in service with continuity and full back wages.

3. The party no. I in its written statement has pleaded inter-alia that the workman was engaged temporarily as and when needed for filling the temporary vacancy of PTS and as per para 23.15 of Desai Award and clause 20.7 of bi-partite settlement governing the service conditions of the bank employees, a temporary employee means “an employee who has been appointed for a limited period for work which is essentially of a temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent in nature and includes an employee other than a permanent employee which appointed in a temporary vacancy due to the absence of a particular permanent employee” and from the above facts, it can be inferred that the bank can engage a person on temporary basis for a limited period for a work and as the workman was never appointed in the Banks’ service, the question of termination of his services doesn’t arise at all and the, workman was never appointed as a peon and there was no any vacancy at any point of time and the question of issuing written order of termination did not arise as the workman was never appointed by the bank and the workman had never completed 240 days of work and the issue of notice before termination doesn’t arise, as the workman was never appointed and the workman is not entitled for any relief.

4. The workman has adduced oral evidence in support of his claim, besides placing reliance on documents. The workman has examined himself as a witness and has reiterated the facts mentioned in the statement of claim in his evidence on affidavit.

No oral evidence was adduced by the party no. I.

5. It is necessary to mention here that the case was already closed and posted for award by my predecessor in office, as per order dated 8-9-2009. However, as the award was not passed till his retirement, the case was re-opened for hearing on argument, after my joining as the Presiding Officer, and after hearing argument, the case was closed and posted for award.

6. It was argued by the learned advocate for the workman that the workman was appointed on 30-7-1992, on daily wages basis, as a peon in a clear and vacant post and he was being paid Rs. 20 per day and he worked till 3-8-1996, without any break and the appointment of the workman was not by way of back door entry and his name was sponsored by the Regional Employment Exchange and due procedure was followed for his appointment, which can be found from documents nos. 6 and 7 filed by the workman and the party no. I did not issue any appointment order deliberately, with the intention to avoid to give him the benefits of permanency and the workman had completed more than 240 days of continuous work and thereby had acquired the status of permanent employee and the party no. I was required to regularize his services on the day of

completion of 240 days of work by the workman and the workman was posted to work in the vacant post of peon, as one Pandurang Manole was transferred to Arvi branch and without compliance of the mandatory provisions of Section 25-F and 25-G of the Act, the party no. 1 terminated the services of the workman and the same was illegal and liable to be set aside and in this case the evidence of the workman has remained unchallenged and no rebuttal evidence has been adduced by the party no. 1 and as such, the workman is entitled for reinstatement in service and continuity in service and backwages.

7. In the written notes of argument, it was submitted by the learned advocate for the party no. 1 that the workman has admitted that at the time of his initial appointment on temporary basis in the year 1992, he was not sponsored through Employment Exchange and his name was sponsored by the Exchange only on 24-6-1997, which was at a later date than the period of 1992 to 3-8-1996, as referred in the scheduled of reference and the engagement of the workman was on temporary basis and the workman had never completed 240 days of work and as such, there was no question of issuing notice before termination of his services and there was also no question of paying retrenchment compensation and it is already settled beyond doubt by the Hon'ble Apex Court that, "a person who is appointed on daily wages on adhoc basis doesn't have any right to the post and his service can be terminated at any time and he cannot claim regularization, merely because he has completed 240 days of work" and as such workman is not entitled to any relief.

8. Before entering into the arena of merit of the case, I think it opposite to mention here about the principles enunciated by the Hon'ble Apex court regarding the application of provisions of Section 25-B and 25-F of the Act. The Hon'ble Apex court, in the decision reported in AIR 1966 SC-75 ((Employees, Digawadih Colliery Vs. Their workmen)) have held that:—

"Though Section 25-F speaks of continuous service for not less than one year under the employer, if the workman has actually worked for 240 days during a period of 12 calendar months both the conditions are fulfilled. The definition of "Continuous Service" need not be read into Section 25-B. The fiction converts service of 240 days in a period of twelve calendar months into continuous service for one complete year. The amended Section 25-B only consolidates the provisions of Section 25(B) and 2(eee) in one place, adding some other matters. The purport of the new provisions, however, is not different. In fact, the amendment of section 25-F of the principal Act by substituting in clause (b) the words "for every completed year of continuous service" has removed a discordance between the unamended Section 25 B and the unamended Cl. (b) of Section 25-F. No uninterrupted service is necessary

it the total service is 240 days in a period of twelve calendar months either before the several changes or after these. The only change in the Act is that this service must be during a period of twelve calendar months preceding the date with reference to which calculation has to be made. The last amendment has now removed a vagueness which existed in the unamended Section 25-B".

In the decision reported in AIR 1981 SC-1253 (Mechanlal V s. M/s. Bharat Electronics Ltd.), the Hon'ble Apex Court have held that,

"Industrial Disputes Act (14 of 1947). Section 25-B (1) and (2)—Continuous service-Scope of sub-sections (1) and (2) is different, (words and phrases-Continuous Service)

Before a workman can complain of retrenchment being not in consonance with Section 25-F, he has to show that he has been in continuous service for not less than one year under that employer, who has retrenched him from service. Section 25-B as the dictionary clause for the expression "continuous". Both in principle and are precedent it must be held that section 25-B (2) comprehends a situation where a workman to not in employment for a period of 12 calendar months, but has rendered for a period of 240 days within the period of 12 calendar months commencing and counting backwards from the relevant date, i.e. the date of retrenchment. If he has, he would be deemed to be in continuous service for a period of one year for the purpose of section 25-B and chapter V-A".

The Hon'ble Apex Court in the decision reported in AIR 2003 SC-38 (M/s. Essen Deinay Vs. Rajeev Kumar) have held that:

"Industrial Disputes Act (14 of 1947) S.25-F, 10—Retrenchment compensation-Termination of services without payment of—Dispute referred to Tribunal-Case of workman/claimant that he had worked for 240 days in a year preceding his termination—Claim denied by management--Onus lies upon claimant to show that he had in fact worked for 240 days in a year—In absence of proof of receipt of salary workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination."

9. So, it is clear from the principles enunciated by the Hon'ble Apex Court in the decisions mentioned above that for applicability of section 25-F of the Act, it is necessary to prove that the workman worked for 240 days in preceding 12 calendar months commencing and counting backwards from the relevant date and the burden of such proof is upon the workman. So, keeping in view the settled principles enunciated by the Hon'ble Apex Court, now, the present case at hand is to be considered.

10. The workman besides filling his evidence on affidavit has relied on the documents 1 to 7. Document No.

is the copy of the letter dated 8-3-2000, written by the Chief Manager, to the Branch Manager, Nimkheda, Tharsa Branch, for appointment of the workman as temporary PTS on temporary basis for specific period, by giving break and that such appointment should not be for more than 180 days during a year. Document No.2 is a copy of application filed by the workman for the post of Sub-Staff Watchman/Driver. Document No.3 is a copy of application filed by the workman to the Chief Manager dated 17-7-2004. Document No. 4 is a copy of forwarding letter dated 27-8-2004 of the Branch Manager to the Chief Manager, regarding forwarding of the application of the workman. Document No. 5 is a copy of the particulars of the candidates including the workman, submitted by the employment officer Nagpur to the Branch Manager, Nimkheda Branch on 24-6-1997 for selection of the PTS. Document No.6 is a copy of letter written by the Regional Employment Exchange, sponsoring the name of the workman for PTS, to the Branch Manager, Nimkheda on 24-6-1997 and the Document No.7 is the copy of the letter written by the District Employment Officer dated 15-3-2004 for selection of sub-staff. All the documents filed by the workman do not relate to the period of consideration i.e. for the period from 30-7-1992 to 3-8-1996. Those documents do not show that the workman worked for 240 days in a preceding 12 months of 3-8-1996.

11. It appears from the evidence on record that the workman was engaged temporarily from 30-7-1992 to 3-8-1996 and on 3-8-1996, his services were terminated. The relevant date is the date of termination of service i.e. 3-8-1996. So, it is for the workman to prove that he rendered service for 240 days commencing from 3-8-1996 and counting backwards within a period of 12 calendar months. However, the workman has failed to prove the same by adducing necessary evidence. As the workman has failed to satisfy the eligibility qualifications prescribed in section 25-F read along with section 25-B of the Act, the provisions of section 25-F are not applicable to his case. There is also no legal evidence on record to show that there was violation of section 25-G of the Act. Hence, the workman is not entitled for any relief. Hence, it is ordered:

### ORDER

The action of the management of Bank of Maharashtra in terminating the services of Shri Govinda w.e.f. 3-8-1996 is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 20 मार्च, 2012

**का.आ. 1359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्पाइस जेट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, मुम्बई नं.-2 के पंचाट (संदर्भ संख्या**

2/66/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2012 को प्राप्त हुआ था।

[सं. एल-11012/37/2009-आई आर(सी-1)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th March, 2012

**S.O. 1359.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/66/2009) of the Central Government Industrial Tribunal-cum-Labour Court-2, Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Spice Jet Ltd, and their workmen, received by the Central Government on 20-3-2012.

[No. L-11012/37/2009-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

#### PRESENT

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/66 of 2009

Employers in relation to the Management of  
M/s. Spice Jet Ltd. & ANR.

1. M/s. Spice Jet Ltd.  
319, Udyog Vihar  
Phase-IV  
Gurgaon 122016.

2. The Station Manager,  
M/s. Spice Jet Ltd.  
Dabolim Airport  
Dabolim  
Goa.

And

#### Their Workmen.

Mr. Praveen J. Upadkar  
Emp Code No.0593  
House No.50  
Non Mon Saibini Bhatt  
Vasco-da-Gama  
Gao 403802.

#### Appearances :

For the Employer : Ms. Sonia Redkar &  
Mr. P.J.Augustine,  
Advocates.

For the Workman : Mr. Sanjay Sharma,  
Representative.

Mumbai, dated the 20th January, 2012

**AWARD**

The Government of India, Ministry of Labour & Employment by its Order No. L-11012/37/2009-IR (CM-I), dated 17-8-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"(i) Whether the action of the management of Spice Jet Airways Ltd. in dismissing the services of Shri Praveen J. Upardekar w.e.f. 21-4-2008 is justified and legal.

(ii) To what relief is the workman concerned entitled?"

2. After receipt of the reference from the Ministry, both the parties were served with the notices. They appeared through their legal representatives. The second party workman has filed his statement of claim at Ex-4. According to him, he was employed with the first party and working under their Station Manager at Goa Airport at Dabolim, Goa in the post of Loader. He was appointed on 17-5-2005 for a period of 36 months with possibility of renewal as decided by the management. After expiry of probation period he was confirmed in the services w.e.f. 1-12-2005. Due to good performance, his salary was upgraded w.e.f. 1-4-2006. He was performing his duties diligently and honestly. He also received letter of appreciation from Station Manager. Looking to his sincerity and hard work, he was upgraded from Loader to Driver. His salary was also increased w.e.f. 1-12-2006. It was revised from time to time. However at the end of contractual period June 2007 to the year 2008 onwards, the attitude of the management was changed. They started finding faults in his performance though he was doing well. They served him with several warning letters regarding his absence. Inspite of giving satisfactory answers and explanation, his absence was termed to be unauthorized. According to him, he never remained unauthorisedly absent from duties. He had given satisfactory explanation whenever he remained absent. To cover up his absence from work, at the instance of management, Station Master obtained false apology letters from the workman under coercion and threat of removal.

3. On 15-4-2008, management sent a letter seeking explanation about his absence from work. Workman replied the letter alongwith medical certificate. However management issued another letter stating that he had not replied their letter dated 15-4-2008 and terminated his employment w.e.f. the same date. He approached the Station Manager on several occasions with request to reinstate him. However his efforts found to be futile. Therefore workman also wrote letters to higher authorities. However as they did not respond, the workman raised industrial dispute before ALC. At the instance of report of ALC, the Ministry of Labour and Employment has sent the reference

to this Tribunal. The workman therefore prays that the action of the company in dismissing his services be declared illegal and unjustified. He also prays that management be directed to reinstate him in the employment with full back wages and all consequential benefits and also prays for suitable compensation for termination, sufferings, tension, anxiety and loss caused to him.

4. The management resisted the statement of claim vide their written statement at Ex-10. According to them, the workman used to remain absent unauthorisedly for a long period. He also used to leave the place of work without informing the superior officers. The conduct of the workman breach terms and conditions of the employment. The workman was negligent towards his duties. The Airport Authority of India, Goa Airport had also issued a letter dated 25-2-2008 to the Station Manager of Spice Jet, Goa conveying rash driving by the workman on the apron, violating guidelines framed in this regard. It was mentioned in the said letter that rash driving constitutes aviation safety hazards. The workman is a habitual drunker and most of the times he used to take liquor while on duty. The workman was unauthorisedly absent for 5 days w.e.f. 17-2-2008. After detailed follow up he reported the duty on 22-2-2008 and tendered apology for his unauthorised absence and gave undertaking not to repeat it in future. The management took lenient view and permitted him to resume duties.

5. Again the workman remained absent for 14 days from 31-03-2008. Company sent a letter directing him to report within 24 hours with an explanation for unauthorized absence. Giving ample opportunity as workman did not return on duty by the letter dated 21-4-2008, his services were terminated. The worker was guilty of habitual absenteeism. He was also found on duty in drunken condition. He was also found driving in rash and negligent manner. It amount to breach of terms of the service conditions. Therefore company has terminated the services of the workman. He was a probationer. Thus they submitted that he cannot be reinstated and pray that the reference be dismissed with cost.

6. By way of rejoinder Ex-13 the second party workman denied the contentions in the written statement and repeated the contents in the statement of claim.

7. Following are the issues framed at Ex-7 for my determination. I record my findings thereon for the reasons to follow:—

Sr. No.	Issues	Findings
1.	Whether the action of the management of Spice Jet Airways Ltd. in dismissing the services of Shri Pravin J. Uperdekar, Driver w.e.f. 21-4-2008 is legal and justified?	Yes.
2.	If not, what relief and benefit workman is entitled to get?	No relief.
3.	What order?	As per final order

## REASONS

### Issues nos.1 & 2:—

8. In the case at hand, the point for determination is whether the termination of services of the workman is just and legal. In this respect, I would like to refer the appointment letter Ex-22/1 wherein it is mentioned that the appointment was on contract basis for a period of 36 months. The workman has also admitted in his cross examination at Ex-21 that his appointment was for three years and it was a fixed time contract. He further admitted in his cross that after completion of 3 years, his services were to come to an end. In this respect the Ld. Adv. for the first party relied upon the terms and conditions of contractual employment placed on record at Ex-22/3-5. As per term no.10 (b) his service was liable to be terminated without assigning any reason and without notice. In case of termination arising out of negligence or misconduct, the workman was not entitled to any damages or compensation as contemplated in sub-rule (c). In respect of the misconduct the Ld. Adv. pointed out letter of apology sent by the workman at Ex-39 for unauthorized absence from 17-2-2008 to 21-2-2008 without intimation. The Ld. Adv. also pointed out another letter of apology Ex-43 for one day's unauthorized absence. He also pointed out letter of warning and second warning issued by the company to the workman at Ex-44 & 45. The Ld. Adv. has pointed out the two more apology letters of the workman for remaining absent. They are at Ex-46 & 47. The averment of the workman does not stand to reasons that the apology letters were obtained forcibly by the officers of the first party. On the other hand the version of the first party is supported by the documentary evidence on record. In the light of these documents on record, it is clear that the workman was found guilty of misconduct of absenteeism and had also prayed for apology from time to time. The management has also forgiven him on few occasions. However lastly they have terminated the services of the workman.

9. The workman was appointed for three years on contract basis. Before completion of the probation period of the contract period, management was empowered to terminate the services of the employee as per the service terms. The workman was also found driving rashly and negligently on the apron violating guidelines framed by the Airport Authority. The Airport Authority has given a letter to the Station Manager of first party in respect of rash driving by the workman as a driver of Airlines. It is at Ex-38. In the letter the Sr. Manager has written that airlines driver, Praveen J. Updekar was found driving a tractor in a rash manner while driving on the apron and not following the guidelines and it is mentioned that such rash driving constitute aviation safety hazard. Such an act of driving rashly and negligently on apron or in the premises of airport is no doubt hazardous and could have caused serious consequences. This only misconduct was sufficient for the first party to terminate the services of a contractual

worker. For all these misconducts the first party has terminated the services of the workman. He was not a permanent worker. Therefore the first party was justified in terminating the services of the workman as the workman has violated the terms of service conditions as mentioned above. Thus I hold that the termination of second party workman was just and legal. Accordingly I decide this issue no.1 in the affirmative as a result I hold that the workman is not entitled to any relief or benefit sought for. Hence I decide the issue no.2 in the negative and proceed to pass the following order:

## ORDER

Reference stands rejected with no order as to cost.

Date: 20-1-2012

K. B. KATAKE, Presiding Officer

नई दिल्ली, 20 मार्च, 2012

**का.आ.1360.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. ए. सी आई.एल. एवं के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली न.-। के पंचाट (संदर्भ संख्या 336/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2012 को प्राप्त हुआ था।**

[सं. एल-11012/41/2010-आई आर(सी-1)]

डी. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 20th March, 2012

**S.O.1360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 336/2011) of the Central Government Industrial Tribunal-cum-Labour Court-I, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. NACIL, and their workman, which was received by the Central Government on 20-3-2012.**

[No. L-11012/41/2010-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

## ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. I, KARKARDOOMA COURTS  
COMPLEX: DELHI**

**I.D.No. 336/2011**

The General Secretary,

Air Corporation Employees Union,  
C-3323 B, SFS Flats, Janak Puri,  
New Delhi-110058.

... Workman

**Versus**

The Chairman-cum-Managing Director,  
National Aviation Company of India Ltd.,  
Airlines House, 113,  
Gurudwara Rakabganj Road,  
New Delhi-110001.

... Management

**AWARD**

Disputes between Shri J.B.Kadian, Anand Prakash, Surinder Kumar, Jagmal Singh, Satish Kumar, Rohtash Singh, Hari Singh, Sant Ram, Ms.Kamal Jeet Kaur, Ms.Marya Thorpe, Ms.Anita Israni, Ms.Sangita Chaudhary, Ms.Meghna Nanda, R.S.Chauhan, Rajesh Kumar, Shankar Lal, Baljeet Singh, M.Alam, Ram Chander, Sanjay Pandey, Dinkar Shetty, Vivek Rao, S.B.Malkar, Ms.Sangeeta Khairnar, P.M.Pol, B.K.Murthy, D.D.Mayekar, W.C.Vaz, A.S.Mayekar, L.Singh, Sudhir Vagad, D.R.Bathe, Ms.Mukta Dandekar, Ms.Nutan Dhebri, Amitabh Bhosale, G.Yuvaraj, Udayashankar, Chikkanna, Chowdiah, S.P.D. Sudhakar, Samir Mandal and Shri Ajay Sarkar and National Aviation Company of India Ltd. (in short the management) were raised before this Tribunal under the provisions of sub-section (2) of Section 2A of the Industrial Disputes Act, 1947 (in short the Act), which disputes were adjudicated, vide awards dated 24-6-2011. The awards were published by the appropriate Government on 11-8-2011. Employees namely, Amitabh S.Bhosale, Nutan Dhebri, Mukta R.Dandekar, Dilip D.Mayekar, Ms.Sangeeta Khairnar, A.S. Mayekar, S.B. Malkar, Prasant M.Pol, L.Singh, Walter C. Vaz, D.K.Shetty, Vivek Rao, Sudhir Vagad, D.R.Bathe and B.K.Murthy also raised their respective dispute between them and the management under sub-section (2) of Section 2A of the Act before the Central Govt. Industrial Tribunal No.1, Mumbai, which disputes were dismissed as withdrawn on 23-6-2011. When above employees lost the disputes, they through Air Corporation Employees Union (in short the Union) raised a dispute before the Conciliation Officer on the same facts, concealing the circumstances in which they lost their claims and suffered the awards. Notice was sent to the management by the Conciliation Officer and the former opted not to put in appearance before the latter. Since the conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-11012/41/2010-IR(CM-I), New Delhi dated 30-11-2011, with the following terms.

“Whether the action of the management of NACIL, Air India (i) In terminating the services of 42 workmen as per Annexure A, (ii) In reverting 13 number of employees as per Annexure-B are legal and justified? To what relief the workmen entitled to.”

2. In the reference order the appropriate Government commanded the claimant union to file the claim statement on behalf the claimants before this Tribunal within a period

of 15 days of the receipt of the order. Despite the command; so made, the claimant union opted not to file the claim statement.

3. Notice was sent to the claimant union through its General Secretary by registered post on 2-1-2012 calling upon to file the claim statement before the Tribunal on 23-1-2012. Despite the notice, so sent the claimant union opted not to file its claim statement.

4. National Aviation Company of India Ltd. was commanded to file its response to the reference order. In its response filed, the management pleaded that the claimant Union went for illegal strike on 25-5-2010, six days prior to the date of notice of strike. The management terminated services of 42 employees and 13 employees were reverted to their substantive posts, as per service regulations of the management. They raised industrial disputes before the Conciliation Officer. After 45 days of raising the dispute, twenty terminated employees individually filed direct industrial disputes under Section 2A of the Act, 1947 before this Tribunal and awards were passed in that regard on 24-6-2011.

5. Fifteen terminated employees of western region, Mumbai had also filed direct industrial dispute under Section 2A of the Act, before the Central Govt. Industrial Tribunal No.1, Mumbai and these employees withdraw their respective claims on 23-6-2011, pleads the management.

6. All terminated and reverted employees individually approached the management and requested for reinstatement of their services. The management considered their requests and reinstated all terminated employees except one, whose matter is sub-judge before the High Court of Andhra Pradesh. All reverted employees, except Shri Subhash G.Gokhar and Shri Jagdish Chandra Verma, were also reinstated to their respective post. Shri Gakhar and Shri Verma retired during pendency of the subject matter hence there was no occasion to reinstate them. After reinstatement of these employees they seem to have been satisfied. In view of those facts they have not come forward to get their grievances adjudicated, claims the management.

7. Record tells that while using the provisions of sub-section (2) of section 2A of the Act, Shri J.B. Kadian, Anand Prakash, Surinder Kumar, Jagmal Singh, Satish Kumar, Rohtash Singh, Hari Singh, Sant Ram, Ms. Kamal Jeet Kaur, Ms.Marya Thorpe, Ms.Anita Israni, Ms.Sangita Chaudhary, Ms.Meghna Nanda, R.S.Chauhan, Rajesh Kumar, Shankar Lal, Baljeet Singh, M.Alam, Ram Chander and Sanjay Pandey raised disputes between them and the management for adjudication. In the disputes raised by the aforesaid claimants it was projected that they were serving with the management since long. Their services were terminated on 26-5-2010 in illegal manner. Relief of reinstatement was sought by all the above claimants. Above disputes raised question as to whether act of terminating

the services of their services w.e.f. 26-5-2010 was just, fair and legal. If it was held to be illegal, to what relief they were entitled and from which date? Above disputes were adjudicated in the form of a “no dispute” awards, when claimants opted not to prosecute their grievances and awards dated 24-6-2011 were passed, which awards came in operation w.e.f. 10-9-2011. Thus it is evident that the aforesaid awards are in operation and bind the parties.

8. Question for consideration comes as to whether the appropriate Government was justified in making the present reference, during the period when awards dated 24-6-2011 subsist. As the facts highlight, the subsequent reference is between the same parties on the same facts. When award dated 24-6-2011 are in force, in respect to the industrial dispute, the appropriate Government cannot refer the said dispute afresh to this Tribunal, by merely changing the phraseology of the dispute. This Tribunal will not have any jurisdiction to entertain the fresh reference in respect of the subject matter, on which the awards dated 24-6-2011 bind the parties. There could be no reference when a valid award subsists. The Tribunal cannot invoke its jurisdiction to entertain this subsequent reference made by the appropriate Government, without application of mind. In case precedents are needed then reference can be made to British India Corporation Ltd., (13 FJR 352) and Bangalore W-C-&-Mills Ltd., [1968(1)LLJ 555].

9. As far as the dispute relates to termination of services of Shri J.B.Kadian, Anand Prakash, Surinder Kumar, Jagmal Singh, Satish Kumar, Rohtash Singh, Hari Singh, Sant Ram, Ms. Kamal Jeet Kaur, Ms. Marya Thorpe, Ms. Anita Israni, Ms. Sangita Chaudhary, Ms. Meghna Nanda, R.S.Chauhan, Rajesh Kumar, Shankar Lal, Baljeet Singh, M. Alam, Ram Chander and Sanjay Pandey, this Tribunal cannot invoke its jurisdiction, since awards dated 24-6-2011 subsist.

10. In respect of termination of services of Shri Amitabh S.Bhosale, Nutan Dhebri, Mukta R.Dandekar, Dilip D.Mayekar, Ms.Sangeeta Khairnar, A.S.Mayekar, S.B.Malkar, P. M. Pol, L. Singh, Walter C. Vaz, D.K.Shetty, Vivek Rao, Sudhir Vagad, D. R. Bathe, B.K.Murthy, G.Yuvaraj, Udayashankar, Chikkanna, Chowdiah, S.P.D. Sudhakar, Samir Mandal and Shri Ajay Sarkar and reversion of Shri Subhash G.Gakhar, Munni Lal Bajaj, Rakesh Kumar, Joginder Kumar Nagpal, Jagdish Chander Verma, Ram Krishan Shukla, Sarabjit Singh Grover, Ram Kishan, Purshottam Singh, A.S.Bist, Rajinder Mohan, R.K.Kohli and Harbhajan Singh claimant union opted not to file the claim statement. No grievances were forwarded on their behalf. As management projects, all of them except Sh.S.P.D. Sudhakar, Subhash G. Gakhar and Sh.Jagdish Chandra Verma, were reinstated to their respective posts, after amicable settlement between the parties. In view of these facts, it is evident that no dispute subsists between claimants namely, Dinkar Shetty, Vivek Rao, S.B.Malkar, Ms.Sangeeta Khairnar, P.M.Pol, B.K.Murthy, D.D.Mayekar, W.C.Vaz, A.S.Mayekar,

L. Singh, Sudhir Vagad, D.R. Bathe, Ms.Mukta Dandekar, Ms.Nutan Dhebri, Amitabh Bhosale, G.Yuvaraj, Udayashankar, Chikkanna, Chowdiah, S.P.D. Sudhakar, Samir Mandal, Shri Ajay Sarkar, Subhash G. Gakhar, Munni Lal Bajaj, Rakesh Kumar, Joginder Kumar Nagpal, Jagdish Chander Verma, Ram Krishan Shukla, Sarabjit Singh Grover, Ram Kishan, Purshottam Singh, A.S.Bist, Rajinder Mohan, R.K.Kohli and Harbhajan Singh and the management, since the dispute has been settled. Hence a “no dispute” award is passed, in respect of the employees, whose names are detailed in this para. It be sent to the appropriate Government for publication.

Dated: 29-2-2012 Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 20 मार्च, 2012

**का.आ. 1361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/267/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2012 को प्राप्त हुआ था।**

[सं. एल-12012/65/2000-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 20th March, 2012

**S.O. 1361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/ NGP/267/2000) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 7-3-2012.**

[No. L-12012/65/2000-IR (B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

#### BEFORE SHRI J.P.CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT /NGP /267/2000 Date: 21-02-2012.

Party No.1 : The Zonal Manager, Zonal Office,  
Central Bank of India, Oriental Building,  
Kamptee Road, Nagpur 440001

Versus

Party No.2 : Shri Rajiv Kr. Dhameeja,  
R/o. Near Bhadgaonkar Jwellars, Besides  
Bharat Bichhayat Kendra, Malkapur,  
Distt. Buldhana (MS).

**AWARD**

(Dated: 21st February, 2012)

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as "the Act") has referred the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, Shri Rajiv Kumar Dhameeja henceforth referred as "the workman" for brevity, as per letter No. L-12012/65/2000-IR(B-II) dated 29-8-2000, with the following schedule:—

"Whether the action of the management of Central Bank of India through its Zonal Manager, Zonal Office, Nagpur in removal of Shri Rajiv Kumar Dhameeja from service w.e.f. 3-5-1999 is legal, proper and justified? If not, what relief the said workman is entitled?"

2. The case of workman according to his statement of claims that in 1982, he was appointed as a clerk-cum-godown keeper in the Central Bank and subsequently he was posted and worked as Head Cashier and also worked as officiating Branch Manager from time to time and his service conditions are governed by Bipartite Settlement and the provisions of the standing orders and on 14-3-96, a charge sheet levelling various false charges was served on him, to which, he submitted his reply, but the Bank initiated a departmental proceeding against him by appointing the Inquiry Officer and Presenting Officer and in the departmental proceeding, he was not allowed to be defended by an advocate and documents were not supplied to him along with the charge sheet and he was also not supplied with the list of witnesses and on 17-8-96, he applied for documents but only some of the documents were supplied and some others were not supplied and part of the documents were supplied to him after the evidence was over, for which, effective cross-examination of the witnesses could not be made. The further case of the workman is that during pendency of the enquiry, a corrigendum to the charge sheet was issued, which is outside the jurisdiction and therefore, the charge sheet and the enquiry is illegal and with such illegalities, the Inquiry Officer submitted his report, to which, he submitted his reply on 8-4-99, but the Disciplinary Authority did not consider any of the submissions made by him and passed a mechanical order on 3-5-99 and as the dismissal order was passed by incompetent person, he preferred an appeal on 20-5-99, but his appeal was rejected by the Appellate Authority by order dated 15-11-99 and the findings of the Appellate Authority were entirely different, to which, no reference has been made even in the charge sheet and being aggrieved by the said order, he raised the industrial dispute. It is also pleaded by the workman that in the departmental enquiry, there was violation of principles of natural justice and there was delay in holding the enquiry and as the grounds raised by him in his defence on 21-7-98

and 8-4-99 were not considered and the judgments cited by him were not taken into consideration by the authorities, the order of his removal and its confirmation are totally illegal and the punishment of removal awarded is shockingly disproportionate and the findings of the Inquiry Officer are perverse and there is no evidence to support the said findings. The workman has prayed for his reinstatement with continuity in service, back wages and all other consequential reliefs.

3. The management refuting the allegations, has pleaded in its written statement that the service conditions of the employees of the bank including the workman are governed only by the Bipartite Settlement entered into between the Indian Banks Association and various Trade Unions and branches of the bank are not covered by the provisions of Bombay Shops and Establishment Act and as such the provisions of the standing orders are not applicable to the Bank and its branches and on 14-3-96, the workman was charge sheeted for certain charges of misconduct levelled against him and those charges were not false and the workman had sought for permission to engage an advocate but as no cogent reason was assigned by him for such request, his request was refused and it is settled position of law that a delinquent employee cannot claim to engage an advocate to defend him in the enquiry as a matter of right and though the documents were not supplied to the workman alongwith the charge sheet, all the documents relied on by the management in support of the charge sheet were placed on record before the Inquiry Officer and copies thereof were also supplied to the workman and it is false to say that the list of witnesses was not supplied to the workman. It is also pleaded by the management that the enquiry was held completely in accordance with the principles of natural justice, in a fair manner, extending all the reasonable opportunities to the workman to defend himself in the enquiry and meet the charges of misconduct levelled against him and copies of the relevant documents were supplied to him and he was allowed to cross-examine the witnesses of the management and allowed to lead oral evidence in his defence and he was defended by a co-employee of his own choice and the workman has been removed from service by way of punishment for very grave and serious charges of misconduct, which were duly proved against him in the enquiry and he was found guilty of acting prejudicial to the interest of the bank and the findings of the Inquiry Officer are not perverse and the same are well reasoned and based on materials on record and no mechanical order was passed by the Disciplinary Authority and the punishment imposed is not at all shockingly disproportionate as alleged and as the workman committed fraud, while in the employment of the bank, he does not deserve any leniency in the punishment and he is not entitled for any relief.

4. As the removal of the workman from services was after conducting of a departmental proceeding, the validity

of the enquiry is taken for consideration as a preliminary issue and vide orders dated 12-10-2010 the enquiry is held to be legal and proper and in accordance with law and observing the principles of natural justice.

5. At the time of argument, it was submitted by learned advocate for the workman that the findings of the enquiry officer are perverse and there is no evidence to support the findings and the order of punishment is totally illegal and is shockingly disproportionate to the charges leveled against the workman.

6. Per contra, it was submitted by the learned advocate for the party No.1 that by order dated 12-10-2010, it is already held that the departmental proceeding is fair, proper and in accordance with the principles of natural justice and the charges proved against the workman in the departmental enquiry were of very serious in nature and the said charges included willful insubordination to superiors, doing act prejudicial to the interest of the bank, putting the bank to serious loss, abuse of power by doing fraudulent transactions in the accounts of the customers as well in the general ledger with an ulterior motive of defrauding and cheating the bank as well as its customers and as such, the punishment imposed against the workman cannot be said to be shockingly disproportionate and in the enquiry report, the enquiry officer has elaborately dealt with each charge of misconduct leveled against the workman separately and he has made assessment and analysis of the evidence in relation to each charge and his findings are based on the evidence on record of the enquiry and as such, the findings cannot be said to be perverse and the workman is not entitled to any relief.

7. Before delving into the merit of the matter, I think it proper to mention the settled principles regarding the power of a Tribunal in interfering with punishment awarded by the competent authority in departmental proceedings. In a number of decisions, the Hon'ble Apex Court has held that :—

"The jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the, Inquiry Officer or competent authority where they are not arbitrary or utterly perverse. The power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules; made under the proviso to Art. 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority. The adequacy of

penalty unless it is malafide is certainly not a matter of the Tribunal to concern itself with. The Tribunal also cannot interfere with the penalty if the conclusion of the Inquiry Officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter."

8. Now, the present case at hand is to be considered with the touch stone of the principles enunciated by the Hon'ble Apex Court as mentioned above. On perusal of the materials on record, it is found that the enquiry officer has based his findings on the materials on record of the departmental proceeding. He has assigned cogent reasons in support of such findings. This is not a case of no evidence. Hence, it cannot be said that the findings of the enquiry officer are perverse.

9. So far the question of punishment is concerned it is found that serious misconducts have been proved against the workman in a properly held departmental enquiry. In this instant case, the workman has been found to be guilty of defrauding and cheating the bank and also of other serious misconducts. There is nothing wrong in the bank losing confidence or faith in such an employee and awarding punishment of removal. The workman was holding a position of trust, where honesty and integrity were inbuilt requirements of functioning and therefore, the matter required to be dealt with firmly and not leniently. Hence, the punishment of removal from services of the workman cannot be said to be shockingly disproportionate to the proved misconducts. Hence, it is ordered:

#### ORDER

The action of the management of Central Bank of India through its Zonal Manager, Zonal Office, Nagpur in removal of Shri Rajiv Kumar Dhameeja from service w.e.f. 3-5-1999 is legal, proper and justified the workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 20 मार्च, 2012

**का.आ. 1362.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 139/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-2012 को प्राप्त हुआ था।**

[ सं. एल-12014/01/2012-आई आर (बी-I) ]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 20th March, 2012

**S.O. 1362.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 139/2006) of the Central Government Industrial Tribunal-cum-

Labour Court Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Hyderabad and their workmen received by the Central Government on 19-3-2012.

[No. L-12014/01/2012-IR (B-I)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: - Shri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of February, 2012

INDUSTRIAL DISPUTE L. C. No. 139/2006

Between:

Sri B. Shiva Kumar,

S/o Late Babaiah,

R/o H.No.18-7-181/9, Nalla Pochamma

Basthi, Outside Gowlipura, Hyderabad. . . . Petitioner

AND

1. The General Manager,

State Bank of Hyderabad,

Head office at Gunfoundry,

Hyderabad - 500001.

2. The Assistant General Manager,

State Bank of Hyderabad, Region-II,

Zonal Office, Varakantam Complex,

Kachiguda, Hyderabad - 500027.

3. The Branch Manager,

State Bank of Hyderabad,

Hi-Tech City Branch,

Q1, A2-1 st floor, Cyber Towers,

Madhapur, Hyderabad - 500 033 . . . Respondents

Appearances:

For the Petitioner: M/s. P. Venkateshwar Rao & G. Srinivasa Reddy, Advocates

For the Respondent: M/s. Ch. Siva Reddy & T.G. Prasad Reddy, Advocates

#### AWARD

Sri B. Shiva Kumar an ex.employee of State Bank of Hyderabad has filed this petition under Section 2 A (2) of the I.D. Act, 1947.

2. It has been alleged by the Petitioner that he was engaged in third Respondent's branch in the month of March, 2000 as permanent sweeper on payment of Rs.200 weekly. Subsequently it was enhanced to Rs.400 per week. The management used to make the payment once in a month. There was no complaint against the Petitioner and Petitioner discharged his duties to the utmost satisfaction

of his superiors.

3. Petitioner used to work from 9.40 AM to 5.30 PM, sometimes upto 7 PM in the management's premises. His services were utilized in I. I. I. T. Extension counter, Gachibouli as well.

4. Petitioner completed 5 years service without any break. He made several requests for regularization of his services but instead of regularization of service Petitioner was asked not to attend the office w.e.f. 22-6-2005. The action of the management is arbitrary, illegal and violative of principles of natural justice which amounts to unfair labour practice as well. Thus, this petition for reinstatement of the Petitioner in the service with continuity in service and all consequential benefits.

5. Respondent management has filed counter wherein it is alleged that bank is a public sector undertaking. It is provided with regular staff. However, in exigencies and whenever it was required by the 3rd Respondent the Petitioner was engaged as casual labour on daily wage basis and was paid as a daily wage worker. There is no regular or permanent vacancy of post as alleged by the Petitioner. No appointment letter was given to the Petitioner. Petitioner was not appointed by lawful means therefore, question of regularization of the service does not arise. The allegation of the Petitioner that he has worked for more than 5 years continuously without break is not correct . and Petitioner has to prove it through his own evidence. The management has stated that the Petitioner was engaged for some period. He was paid Rs.200 per week which was later on enhanced to Rs.400 per week. The said 3rd Respondent wrote to 2nd Respondent to post a permanent sweeper in the branch and it was also informed to the 2nd Respondent that in exigencies Petitioner is being placed on the daily wage basis. This communication will not confer any right on the Petitioner to claim regularization. Petitioner was not appointed regularly and legally as per recruitment rules as such, he is not entitled for reinstatement or absorption in service as held by Hon'ble Supreme Court in State of Karnataka Vs. Umadevi and ors. Petitioner has got no claim. The petition is devoid of merit and deserves to be dismissed.

6. Both the parties have adduced their evidences. Petitioner has filed permission letter of the Chief Manager dated 20-3-2000 Ex. W1, letter from the Branch Manager, Hi-Tech City Branch to Asst. General Manager dated 7-5-2005 Ex.W2, letter of Asst. General Manager to Branch Manager dated 27-4-2005 Ex.W3, letter from Branch Manager to Asst. General Manager dated 12-5-2005 Ex.W4, legal notice dated 27-6-2005 Ex. W5 and order of Hon'ble High Court of A.P., Hyderabad in WP No.24404/2005 in B. Shiva Kumar Vs. State Bank of Hyderabad Ex. W6. Petitioner has filed his affidavit as his examination in chief and produced himself for cross examination. Management filed affidavit of Sri D. Narasimha Rao, but did not produce him for cross examination.

7. Both the parties were heard at length.

8. This Tribunal has to consider following points in this case:-

(I) Whether the action of the management in terminating the services of Petitioner is illegal, arbitrary and violative of principles of natural justice?

(II) Whether the Petitioner is entitled for reinstatement and is entitled for the back wages claimed by him?

(III) To what relief if any the Petitioner is entitled?

9. Point Nos. (I) & (II): The Petitioner's case is that he was engaged as permanent sweeper on Rs.200 per week, later on his wages were enhanced and he was paid Rs.400 per week. The wages used to be paid on monthly basis. He worked for five years and thus, he has worked for more than 240 days in each and every calendar year of 5 years as such, he is entitled for absorption and regularization. This material fact has been challenged by the management. The contention of the management is that Petitioner worked in the management's office when there was exigencies or when there was shortage of staff. The nature of engagement was on daily wage basis. In light of this fact it has to be considered by this Tribunal whether the Petitioner was appointed by legal means following the procedure of recruitment as challenged by the management.

10. In this regard, Learned Counsel for the Petitioner has argued before this Tribunal that the Petitioner has filed five documents to prove that he worked with the management. Though, this material fact has been admitted by the management vide letter dated 20-3-2000 wherein the Branch Manager has permitted the Petitioner to enter the premises of Hi-Tech City Branch as he was engaged for upkeep/maintenance of the branch. There is another letter dated 7th May, 2005 wherein AGM's Secretariat has written to the Branch Manager to furnish copy of the letter permitting the Branch to engage Sri B. Siva Kumar from March, 2000 on a weekly payment of Rs.200 and also enhancement of payment to Rs 400/- per week. He has further relied upon the correspondence between State Bank of Hyderabad and Asst. General Manager for engaging Sri B. Siva Kumar on weekly payment basis for the purpose of cleanliness of the branch. Another letter dated 12-5-2005 informing the Asst. General Manager by the Branch Manager advising him that as per available record branch has not sought confirmation from competent authority about weekly payment of Sri B. Siva Kumar. Learned Counsel for the Petitioner has contended that these documents prove that Petitioner was engaged by the branch and he worked for more than 5 years.

11. Against this argument, Learned Counsel for Respondent has argued that there is no single piece of the paper to prove that the management at any moment of time made advertisement for appointment for the post of sweeper or invited application from general public nor any interview was held nor the Petitioner has faced any interview,

Petitioner's papers Ex.W1 to W6 simply prove that Petitioner has worked for 3 days in Hi-Tech City Branch and for some time in 2005 in Kachiguda branch. There is no material before this Tribunal to corroborate the contention of the Petitioner that he continuously worked in Respondent's office for more than 240 days or five years as claimed by him.

12. I have considered the argument of the Learned Counsel for the parties and I am convinced that the Petitioner has not filed any appointment order. Not only that, in his cross examination the Petitioner has categorically stated that no appointment order was given to him in writing. Not only that, the Petitioner has further admitted that he never signed in muster roll of the bank. No written termination order was given to him. He has further admitted that he was not appointed on any permanent post nor there was any permanent vacancy for which he worked in the bank. The documents produced by the Petitioner simply prove that Petitioner worked for 3 days in I.I.I.T. Extension counter branch of the bank and the Branch Manager has sought permission to make a payment of Rs. 200 per week to the Petitioner. This does not prove that the Petitioner was appointed by the Manager of the bank or the Manager of the bank has got authority to appoint the Petitioner in the post of sweeper. Because, there was no permanent vacancy of a sweeper nor the Petitioner was allowed to work on any permanent post. Thus, the contention of the Respondent Management that the Petitioner was a daily wage worker appears to be plausible and correct.

13. The Petitioner himself has admitted that no appointment letter was given to him. It proves that the Petitioner was not appointed on any post by following the recruitment rules, in that event if the management has disengaged the Petitioner a casual worker from the services, the casual worker is not entitled for permanent absorption or for regularization in the service in view of the law laid down by Hon'ble Supreme Court of India in the matter of State of Karnataka Vs. Umadevi and ors. .

14. Learned Counsel for the Respondent has relied on the case law reported in (2008) 10 SCC page 1 in the matter of Official Liquidator Vs. Dayanand and ors. wherein the Hon'ble Supreme Court has ruled that ruling of the Constitution Bench in Umadevi's case (2006) 4 SCC has binding effect on all courts including Supreme Court till the same is overrules by a larger Bench - the attempt to dilute the rulings in Umadevi's case by the suggestion in Pooran Chandra Pandey case that Umadevi's case cannot be applied to a case where regularization has been sought for in pursuance of Art.14 held, is obiter and the two-Judge Bench in Pooran Chandra Pandey case had no occasion to make any adverse comment on the binding character of the Constitution Bench judgement in Umadevi's case." The said comments and observations made in Pooran Chandra Pandey's case should be read as obiter and should neither be treated as binding by the High Courts, tribunals and

other judicial foras nor should they be relied upon or made the basis for bypassing the principles laid down in Umadevi's case". It is further held that "Judicial discipline is a sine qua non for effective and efficient functioning of the judicial system - If the courts command others to act in accordance with the provisions of the Constitution and the rule of law, it is not possible to countenance violation of the constitutions principle by those who are required to lay down the law who are required to lay down the law." It is held that, "Umadevi's case is binding to all of the courts, tribunals and high courts of the country. Wherein, in Umadevi's case Hon'ble Supreme Court has held that, if an employee is not appointed as per recruitment rules and his services are terminated even by otherwise means he can not claim reinstatement in the service because his entry into the service itself was illegal and void ab initio.

15. Learned Counsel for the Respondent has emphasized before this Tribunal that the Umadevi's case is binding on all the courts, tribunals of this country which is fully applicable in the present case because the Petitioner of this case has admitted that he was not appointed by any written order. He has not been able to prove that his appointment was made following the recruitment rules as such, he cannot claim reinstatement and regularization in the service in view of the law laid down by the Hon'ble Supreme Court in the matter of Official Liquidator Vs. Dayanand and others.

16. I have gone through the case law reported in (2008) 10 SCC 1 in the matter of Official Liquidator Vs. Dayanand and others and Umadevi's case as well which is reported in (2006) 4 SCC 1 in the matter of State of Karnataka Vs. Umadevi and ors., both these cases are fully applicable in the present case. The present Petitioner was not appointed following the recruitment rules and procedure of appointment as such, he cannot claim reinstatement and regularization. Petitioner was neither legally appointed nor he has been terminated from the service. He was simply a daily wage earner who used to get his wages on weekly basis as such, he is not entitled for reinstatement. Since he is not entitled for reinstatement, the question of payment of back wages does not arise in the present case. Point Nos. (I) and (II) are decided accordingly.

17. **Point No. (III):** Petitioner has not make out a case for his reinstatement in the light of case law reported in the matter of Official Liquidator Vs. Dayanand and others as such, Petitioner is not entitled for any relief. Point No.(III) is answered accordingly.

18. From the above discussion, this Tribunal is of the considered opinion that the action of the management in terminating the services of Petitioner Sri B. Shiva Kumar is legal and justified and he is not entitled for any relief. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant

transcribed by her corrected by me on this the 24th day of February, 2012.

**VED PRAKASH GAUR, Presiding Officer**

#### **Appendix of evidence**

##### **Witnesses examined for the Petitioner**

WW I: Sri B. Shiva Kumar

##### **Witnesses examined for the Respondent**

MWI: D. Narasimha Rao

##### **Documents marked for the Petitioner**

Ex. W 1 : Copy of letter of Chief Manager, dt. 20-3-2000

Ex. W 2 : Copy of Ir. of AGM, dt. 7-5-2005

Ex. W 3 : Copy of Ir. of Branch Manager dt. 27-4-2005

Ex. W 4 : Copy of Ir. of Branch Manager dt. 12-5-2005

Ex. W 5 : Copy of legal notice dt. 27-6-2005

Ex. W 6 : Copy of order of Hon'ble High Court in WP No.24404/2005 dt. 13-11-2005

##### **Documents marked for the Respondent**

NIL

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 3/3/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-2012 को प्राप्त हुआ था।**

[ सं. एल-20012/207/2000-आई आर (सी-1) ]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 313/2000) of the Central Government Industrial Tribunal-cum-Labour Court-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workmen, which was received by the Central Government on 21-3-2012.**

[No. L-20012/207/2000-IR (C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

#### **ANNEXURE**

#### **BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

**In the matter of a reference U/s. 10 (1)(d) (2A) of the  
Industrial Disputes Act, 1947**

**Reference No. 313 of 2000**

**Parties :** Employers in relation to the management of P.B.  
Area of M/s. B.C.C. Ltd.

And  
Their Workmen

**Present :** Shri H.M. Singh, Presiding Officer

**Appearances :**

For the Employers : Shri B.M. Prasad, Advocate.

For the Workmen/ : Shri N.G. Arun, Authorised  
Union Representative.

State : Jharkhand. Industry : Coal

Dated the 2-3-2012

**AWARD**

By Order No. L-20012/207/2000 (C-I) dated 18-10-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

Whether the demand of the union to regularise Sri Yudisthir Pandey, Cat. II Mazdoor to the post of Cap Lamp Issue Clerk is proper and justified ? If so, to what relief is the concerned workman entitled and from what date ?"

2. The case of the concerned workman is that he is a permanent employee of Bhagaband Colliery and earlier he was working as a fitter helper and was placed in Cat. II. The management deployed him to work as cap lamp issue clerk vide office order dated 3-7-94 and since then he has been regularly doing the job and have put in 240 attendance. As per the certified standing order of the company a permanent employee who performs a permanent nature of jobs for a period of six months and therefore he deserves to be regularised as per nature of job for a long time. Even a badli worker when he performs 240 days attendance in that job is entitled for regularisation.

In such circumstances, it has been prayed that the Hon'ble be pleased to pass an award in favour of the workman by directing the management to regularise the concerned workman as Cap Lamp Issue Clerk from the date he is working under authorisation.

3. The case of the management is that the concerned workman is working in Cat. II Cap Lamp mazdoor and has been permanently posted as such since 14-3-2002. He was appointed against Land acquisition proceeding. Since he has been working in Cap Lamp Room as Mazdoor hence he cannot be designated as Cap Lamp Issue Clerk. The promotion/upgradation in the next category is provided under the provisions of service link upgradation/promotion after through D.P.C./Trade test departmental examination. After introduction of the cadre scheme duly formulated by JRCCI, there is no scope for regularisation of any time rated or piece rated worker on any clerical post, because, all workmen possessing requisite qualification and experience are eligible for consideration

for clerical post on the basis of decision made by a selection committee for selection of candidates into clerical cadre. The concerned workman has working at Bhagaband Colliery in the capacity of Cap Lamp Mazdoor and is properly placed in Cat-II since 1-6-91. He has never been working as Cap Lamp Issue Clerk and that further regularisation is not required at all as per norms of the company. Therefore the demand of the union is not justified and the action of the management in not regularising the concerned workman is fully justified.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the concerned workmen is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The workman has produced himself as WW-1 and proved documents as Exts. W-1 to W-5.

The management produced MW-1, Rajesh Kumar Kar, in support of their case.

6. Main argument advanced on behalf of the concerned workman is that he is doing the work of permanent Cap Lamp Issue Clerk from 1992 for which Office Order has been issued on 2-7-94. He is performing his job regularly and has worked 240 days in the same jobs. The Project Officer, Bhagaband Colliery vide Office Order dated 26-7-96 has certified his performance satisfactory. But the management is not regularising him and giving salary to him as General Mazdoor Cat. II. So, he should be regularised as Cap Lamp Issue Clerk.

The management's representative argued that the concerned workman is a time rated worker, whereas the clerical post is a monthly rated post after introduction of the cadre Scheme. A General Mazdoor cannot be considered for clerical post. It has also been argued that clerical cadre is filled through D.P.C. as per vacancy. The concerned workman is working as Cap Lamp Mazdoor Cat. II since 1-6-91 and he has never worked as Cap Lamp Issue Clerk and he has been posted permanently as Cap Lamp Mazdoor since 14-3-2002. He cannot be designated as Cap Lamp Issue Clerk, So, he cannot be regularised without D.P.C.

7. In this respect the statement of the concerned workman is very much relevant. WW-1 in his cross-examination stated that Cap Lamp Issue Clerk comes under clerical category. I do not know if there is any cadre scheme for clerical cadre. The promotion in the clerical cadre is done on the basis of the recommendation of the D.P.C. I do not know about the circular regarding posting of the clerks in the clerical cadre. Initially I was appointed as General Mazdoor. I have never appeared before the D.P.C.

The statement of the concerned workman shows that he never was appointed on the basis of D.P.C. as Cap Lamp Issue Clerk. He has also authorised to do the job as Cap Lamp Mazdoor. When clerical cadre is different then the

promotion from General Mazdoor to Clerical cadre is made by D.P.C. without D.P.C. the concerned workman cannot be regularised in clerical post.

8. Argument advanced on behalf of the concerned workman is that MW-1, management witness in his cross-examination stated that the concerned workman is working as Cap Lamp Issue Clerk. I do not know whether in the year 2004 all clerks have been regularised. Entire Bhagaband area only one Cap Lamp Issue Clerk is working. I cannot say how many Cap Lamp Rooms are there at Bhagaband colliery. I cannot say how many strength are there. Only one Cap Lamp Incharge is there. Three shifts are running at Bhagaband colliery. There are about 500 workers are there at Bhagaband colliery. As per statute the cap lamp is issued to each person who goes underground. As per Mines Act each cap lamp clerk is required in each shift. Cap Lamp Clerk is in Grade-III.

As per his statement the concerned workman is working as Cap Lamp Issue Clerk. But for working as Cap Lamp Issue Clerk he cannot be regularised because promotion in the clerical cadre is made through D.P.C. The concerned workman was appointed as General Mazdoor and he never appeared before the D.P.C. and so he is not entitled to be regularised as Cap Lamp Issue Clerk.

9. Considering the above facts and circumstances, I hold that the demand of the union to regularise Sri Yudhisthir Pandey, Cat. II Mazdoor to the post of Cap Lamp Issue Clerk is not proper and justified. So, the concerned workman is not entitled to any relief.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी.आई.एस.सी.ओ. एवं के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-। के पंचाट (सदर्थ संख्या 57/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2012 को प्राप्त हुआ था।**

[सं. एल-20012/29/2005-आई आर (सी-1)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2005) of the Central Government Industrial-cum-Labour Court-1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. TISCO, and their workman, which was received by the Central Government on 21-3-2012.**

[No. L-20012/29/2005-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference U/S. 10 (1)(d)(2A) of the Industrial Disputes Act, 1947.

#### Reference No. 57 of 2005

**Parties :** Employers in relation to the management of M/s. TISCO.

#### AND

Their Workmen.

**Present :** Shri H.M. SINGH, Presiding Officer,

#### APPEARANCES :

For the Employers : Shri D. K. Verma,  
Advocate.

For the Workman : Shri R. R. Ram,  
Jt. General Secretary,  
B.M.U.

State : Jharkhand. : Industry : Coal.

Dated, the 5-3-2012

#### AWARD

By Order No. L-20012/29/2005-IR (C-I) dated 19-7-2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Digwadih Colliery of M/s. TISCO in dismissing Sri Gobardhan Manjhi, UG Trammer w.e.f. 2-2-98 is justified? If not, to what relief is the concerned workman entitled ?”

2. The case of the concerned workman, Gobardhan Manjhi was a permanent workman in Digwadih Colliery of M/s. Tata Steel Ltd. He absented from his duty due to suffering from disease of his wife. He left for his native village for treatment of his wife where he stayed for 10 days. He was not able to inform the management due to unknown the Rule, Norms and Provision of the Company. The management dismissed him from 2-2-99 without assigning any rhyme or reason. The Ministry of Labour, Govt. of India has referred the dispute before this Hon'ble Tribunal for adjudication. The action of the management in dismissing the concerned workman from service is unjustified. He was dismissed from service without proper domestic enquiry.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award in favour of the concerned workman by directing the management to reinstate him in service with fullback wages.

3. The case of the management is that the concerned workman started absenting from his duty w.e.f. 31-3-97 without seeking any permission for such

absence and such leave was without any satisfactory cause. He never provided any reasons for its unauthorised leave, and satisfactory reasons for leave. The above act of the workman concerned clearly amounted to misconduct within the meaning of Clause 19 (16) of Company's Certified Standing Orders. In view of the long and continued unauthorised leave he was issued a chargesheet dated 22/23-10-97. The concerned workman did not submit any explanation to the chargesheet. Thereafter, it was decided to conduct a domestic enquiry into the charges levelled against him. The management appointed an Enquiry Officer to conduct domestic enquiry. The Enquiry Officer issued notice of enquiry to the concerned workman which was served to him through registered post with a direction to appear before the Enquiry Officer. But he did not appear before the Enquiry Officer. The enquiry officer again served a notice to him through registered post to participate in the enquiry. In spite of several notices of enquiry the concerned workman neither turned up before the Enquiry Officer to defend his case nor sent any information to the Enquiry Officer about his inability to do so. Finding no alternative the Enquiry Officer conducted domestic enquiry ex-parte and submitted his report holding therein that the workman concerned is guilty of the charges. The disciplinary authority while awarding punishment considered the past punishments of the workman concerned and found the following vital details of the concerned workman :

Nature of Punishment	Effective date	Charge sheet No.	Misconduct
5 days suspension	26-8-1985	84 dated 28-4-1985	Absence for more than 10 days.
5 days suspension	22-2-94	128 dated 20-10-93.	Habitual absence.
5 days suspension	15-3-94	166 dated 9-1-93	Absence for more than 10 days.
10 days suspension	16-11-95	96 dated 6-5-95	Absence for more than 10 days.
5 days suspension	12-5-97	57 dated 10-6-96	Absence for more than 10 days.

The management thus did not find any extenuating factor for lesser punishment for the concerned workman and subsequently he was dismissed w.e.f. 6-2-98. The domestic enquiry conducted by the management has been proper and fair being in accordance with the provisions of natural justice.

It has been prayed that this Hon'ble Tribunal be pleased to hold that the action of the management is

legal and justified and the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. No evidence has been produced on behalf of either party.

The domestic enquiry was held to be fair and proper vide order dated 23-6-2011.

#### 6. Heard arguments on merit.

It has been argued on behalf of the management that the concerned workman is habitual absentee. He was absent 5 days in the year 1985; 10 days in the year 1994, 10 days in the year 1995 and 5 days in the year 1997. So, his service has been terminated.

In this respect the representative of the concerned workman argued that he was dismissed without giving fair and proper opportunity, so the enquiry was not fair and proper. Moreover, no second show cause notice was given to defend his case.

In this respect Ext. M-5 issued to the concerned workman shows that no second show cause notice was given to him and he has been dismissed from service w.e.f. 6-2-1998. The above order has been passed by the management on 5-2-98. It shows that the above order became effective from 6-2-98 and no second show cause notice was given to him which is violative of the law laid down by the Hon'ble Supreme Court reported in 1991 Current Labour Report (SC) 61 in which Hon'ble Supreme Court held that supply of a copy of the enquiry report along with recommendations, if any, in the matter of proposed punishment to be inflicted would be within the rules of natural justice and the delinquent would therefore be entitled to the supply of a copy thereof and that the Forty Second Amendment has not brought about any change in this position. Even a person is absentee or habitual absentee he must be given opportunity before passing final order of dismissal because management could have passed other lenient punishment, such as, leave without pay and stoppage of increment, but when they have dismissed him they have to observe law laid down by the Hon'ble Supreme Court for giving second show cause notice to him, but this has not been done.

Considering the above facts and circumstances I come to the conclusion that the action of the management in dismissing the concerned workman is not justified and the concerned workman is entitled to be reinstated in service with 50% back wages.

7. Accordingly, I render the following award— That the action of the management of Digwadih Colliery of M/s. TISCO in dismissing Sri Gobardhan Manjhi, UG Trammer w.e.f. 2-2-98 is not justified. So, the concerned workman is entitled to be re-instated in service with 50% back wages with other consequential benefits from the

date of dismissal till his re-instatement in service. Management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1365.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अनाकुलम के पंचाट (आईडी संख्या 36/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2012 को प्राप्त हुआ था।

[सं. एल-22011/32/2009-आई आर (सीएम-II)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1365.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 36/2009) of the Cent. Govt. Industrial-cum-Labour Court Eranakulam, as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 21-3-2012.

[No. L-22011/32/2009-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri D. SREEVALLABHAN, B.Sc., LL.B, Presiding Officer (Wednesday the 29th day of February, 2012/10th Phalgun, 1933)

#### I. D. 36/2009

Union :

1. Shri P. K. Sasi,  
Organising Secretary,  
FCI Workers Union, Chingavanam,  
Channanikadu P. O.,  
Kottayam District, Kerala.

2. Shri K. T. Sasi,  
Convenor,  
FCI Workers Association (CITU),  
Chingavanam, Channanikadu P. O.,  
Kottayam District, Kerala.

By Adv. Shri Santhosh G. Prabhu.

Management :

1. The General Manager,  
Food Corporation of India,  
Regional Office,  
Kersavadasapuram,  
Thiruvananthapuram, Kerala.

2. The Area Manager,  
Food Corporation of India,  
District Office,  
Chingavanam,  
Kottayam, Kerala.

By Adv. Shri M.R. Anison.

This case coming up for final hearing on 23-02-2012 and this Tribunal-cum-Labour Court on 29-02-2012 passed the following :

#### AWARD

Management is the Food Corporation of India, a Central Government undertaking incorporated under the Food Corporation Act, 1964, entrusted with the responsibility of procurement, movement, storage and distribution of foodgrains.

2. Two unions of the DPS workers in the Chingavanam Depot of the management raised the industrial dispute challenging the decision of the management to recover an amount of Rs. 40,320, paid as Demurrage Charges (D.C.) to the railway, from the 38 workmen who had absented themselves from attending duty on 3-11-2008 and it was referred for adjudication to this Tribunal by the Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub- section (2A) of S.10 of the Industrial Disputes Act, 1947(14 of 1947).

3. The dispute is :

“Whether the action of the management of FCI in making recovery from the wages of 38 DPS workmen on account of Demurrage Charges levied by the Railway on the management of FCI is legal and justified? To what relief are the workmen entitled ?”

4. Management is completely depending on the DPS workers for handling foodgrains in its godowns and railway heads. DPS was implemented in the depot of the management at Chingavanam on 1-1-1997 as per the circular No. IR (L)/8(22)/94 dated 14-6-1996. Their normal working hours is from 10 a.m. to 5.30 p.m. But they have to attend the work beyond the normal working days and on weekly off days with overtime wages since the wagons placed by the railways are to be unloaded within the free time allowed by the railways.

5. On 3-11-2008 at 8.45 a.m. Railway placed 32 wagons at FCI siding, Chingavanam, Kottayam. Prior intimation was given to the DPS workers to attend the unloading work on that day. Out of the 118 DPS workers 68 were only present to attend the unloading work and hence the clearance of all the wagons was not completed within the time allowed by the railways. Railway charged Rs. 57,600 towards D.C. and later it was reduced to Rs. 40,320 by granting 30% waiver. Memo was issued to the absentee workmen calling upon their explanations for not recovering the D.C. from them. As their explanations were found unsatisfactory management decided to recover

the D.C. equally from the 38 DPS workers.

6. After appearance the two unions jointly filed claim statement challenging the action of the management as arbitrary, illegal, unjust and violative of the provisions of the Industrial Disputes Act and Rules as well as the Model Standing Orders under the Industrial Employment (Standing Orders) Act. The allegations made in support of it, in brief, are that the DPS workers used to discharge their duties sincerely and efficiently and sometime working even more than 12 hours in a day in order to avoid any loss to the management. In spite of the attendance of work from 8.45 a.m. to 10.30 p.m. on 3-11-2008 without any extra benefit they were able to unload only 30 wagons out of the 32 wagons placed for unloading. It was impossible to unload the entire wagons within the free time in spite of the earnest effort. All the absentee workmen had submitted leave applications. They had not unauthorisedly absented themselves from attending the duty on that day. They have not caused any loss to the management. There is no provision in the circular dated 14-6-1996 for the implementation of the Direct Payment System to recover the D.C. from the wages of the workmen. Hence the management is not entitled to recover the D.C. from them.

7. Management filed written statement by contending that as per the modified instructions to the circular dated 14-6-1996 whenever D.C. is incurred by the Food Corporation of India due to the failure of DPS workers to clear the wagons in time the same can be recovered from the erring workers. Wagon placement is only 4 or 5 times in a month and the DPS workers are virtually free on other days if there is no issue of articles from the godown. Intimation was given as to the expected placement of 32 wagons on 3-11-2008 to the DPS workers by issuing memo dated 1-11-2008. Out of the 118 DPS workers in the Chingavanam depot 68 were only present on 3-11-2008 to unload the articles from the 32 wagons. The unloading of the entire wagons was not completed on that day due to the non attendance of duty by the absentee workers. The DPS workers who had attended the work on 3-11-2008 cleared 30 wagons by 9 p.m. The Despatch Average Weight of 4 wagons could not be taken due to the non attendance of the DPS workers on that day. Even though the DPS workers were posted for work at 6 am on 4-11-2008 they started the unloading work on that day only at 9.25 am and completed it at 11 a.m. The failure to attend their duties by the DPS workers resulted in incurring DC. Memo was issued to the 50 absentee workers calling upon their explanations. But eight of them had only submitted their explanations and the same were found to be unsatisfactory. Out of the 50 absentee DPS workers 12 were on leave prior to 3-11-2008 and continued to be on leave thereafter and hence they were not made liable for the payment of the DC. The 38 absentee DPS workers are habitual absentees who had deliberately avoided attendance of duty on that day. It is their wilful non attendance of duty that resulted

in incurring the DC and hence the management is entitled to recover the same from their wages.

8. Unions 1 and 2 separately filed rejoinder denying the contentions in the written statement and reaffirming the allegations in the claim statement jointly submitted by the two unions.

9. For the purpose of deciding this reference one witness was examined from the side of the unions as WW 1. From the side of the management one witness was examined as MW 1 and Exts. M1 to M12 were got marked.

10. The points for determination are:

- (1) Whether the D.C. was incurred due to the deliberate non attendance of duty by the 38 D.P.S. workers on 3-11-2008 ?
- (2) Whether the action of the management to recover the D.C. from the wages of those workers is legal and justified ?
- (3) What relief, if any, they are entitled to ?

11. **Point No.1:**— DPS workers were informed about the expected placement of 32 wagons at FCI Chingavanam siding on 3-11-2008. They were posted to attend the work at 6 a.m. on that day to clear the wagons within the free time allowed without incurring D.C. by issuing Ext. M3 dated 1-11-2008. The wagons were placed only at 8.45 a.m. on that day. The 68 headload workers present on that day were unloading the articles upto 9 p.m. They were able to clear only 30 wagons by that time and the remaining two wagons left unopened. The unloading work of those two wagons started at 9.25 a.m. on 4-11-2008 and it was completed by 11a.m. on that day. It is the case of the management that if all the 118 headload workers . were present on 3-11-2008 and the unloading work of the two wagons were commenced at 6 a.m. on 4-11-2008 all the wagons could have been cleared within the free time. It is because of the deliberate non attendance of duty by some of the DPS workers and the latches and negligence on the part of the workers attending duty the wagons could not have been cleared within the free time. It had resulted in incurring the D.C. of Rs. 57,600 which was subsequently reduced to Rs. 40,320 by granting 30% waiver by the railway.

12. 50 DPS workers out of the 118 were not present on 03-11-2008 to unload the wagons. Explanation was called for from all of them by issuing Ext. M8 memo dated 05-11-2008. Out of them twelve were found to be on continuous leave during that time. They were exempted from the liability of payment of D.C. and Ext. M-12 order dated 19-2-2009 was issued for the recovery of D.C. equally @ Rs.1061.06 from the wages of the remaining 38 DPS workers.

13. There is the specific plea in para 5 of the claim statement that all the DPS workers who were absent on 3-11-2008 had submitted leave applications and the same is not seen denied in the written statement. If they had applied for leave for that day they cannot be said to be unauthorisedly absented themselves on that day until the rejection of those leave applications. From Ext. M11 it can be seen that 13 workers had applied for medical leave and except one all others were exempted from the recovery of D.C. No valid reason is given for not granting exemption for one among them even though his leave application is for the period from 1-11-2008 to 4-11-2008. If continuous leave was the reason for giving exemption he was also to be given exemption for that reason.

14. According to the unions all the DPS workers who were absent on 3-11-2008 and were served Ext. M8 memo had submitted their explanations. But in para 9 of the written statement it is contended that only eight of them had submitted their explanations and the same were found to be unsatisfactory. MW 1 has expressly stated during his cross-examination that all the 50 absentee DPS workers on 3-11-2008 had submitted their explanations to Ext. M 8. Without conducting any enquiry on the basis of the explanations submitted by the workmen the decision was taken to recover the D.C. from them only for the reason that they had absented themselves from attending the duty on 3-11-2008. Even after the issuance of Ext. M12 proceedings eight of the workers had submitted representations to exempt them from the payment of D.C. It is seen from Ext. M-11 office note that five of them had submitted OP tickets as to their treatment. An order is seen to have been passed for directing them to produce medical certificate and fitness certificate to consider their request. But it is not seen that any such direction was actually given or there was any failure on their part to produce medical certificate and fitness certificate. Their request is not seen rejected by assigning any reason. From Ext. M11 it can also be seen that the request of the other 3 DPS workers for exemption is noted to be genuine even though the reason stated by one of them is to attend funeral for which leave cannot be granted as per Ext. M2. It is not seen to have been considered and no exemption was granted to them also. The leave applications and the reasons stated for absence are not seen properly considered by the management.

15. Habitual absenteeism of some of the DPS workers on the dates of placement of wagons is stated to be a reason for levy of D.C. from the DPS workers. If there is habitual absenteeism without any valid reason on the part of the DPS workers the management can initiate action as

per Clause 15 of Ext. M2. It is not seen to have been done in this case. It is nowhere provided that habitual absenteeism is a reason for rejection of leave application. It may be considered for the purpose of considering the genuineness of the ground stated in the leave application. As there is evidence to prove that the DPS workers had submitted leave applications and there is nothing on record to satisfy that those leave applications were rejected it cannot be said that the 38 DPS workers had unauthorisedly absented themselves from duty on 3-11-2008.

16. Failure to attend the unloading work at 6 a.m. on 4-11-2008 and the starting of the work at 9.25 a.m. on that day is also stated to be a reason for incurring D.C. Intimation is seen to have been given to them by issuing Ext. M4 notice dated 3-11-2008 to attend the unloading work of the two wagons at 6 a.m. on 4-11-2008. On 3-11-2008 the DPS workers were engaged in the unloading work from 8.45 a.m. to 9 p.m. It is not in dispute that the unloading work of those two wagons started only at 9.25 a.m. on 4-11-2008. Even if there was any failure in attending the work as per the direction of the management they cannot be held liable for the payment of the D.C. Clause 12 of Ext. M2 provides that any failure on the part of the worker to carry out handling work when made available to the extent of the prescribed norms of 90 bags shall make the worker liable for proportionate deduction in the wages. Management could have made deduction of the wages if there was any failure on the part of any DPS worker to unload as per the terms of Ext. M2. But it does not contemplate the recovery of D.C. from them.

17. In para 10 of the written statement it is stated that usually the DPS workers after unloading 30 to 32 wagons placed in the Chingavanam Depot also carry out issue work and the D.C. was incurred by the FCI on 3-11-2008 only due to the illegal conduct on the part of the headload workers. It was already pointed out that if there was any failure on the part of any DPS worker to unload the minimum package of 90 bags proportionate deduction can be made from the wages. It is not seen that such a course was adopted as to the work on 3-11-2008.

18. In view of the aspects discussed above it cannot be held that it was due to the willful non attendance of the 38 DPS workers the D.C. was incurred for the non clearance of the 32 wagons within the free time.

19. **Point No. 2 :** There is no express provision in Ext. M2 which enables the management to recover the D.C. from the DPS workers. In para 7 of the written statement it is contended that as per the modified instructions issued

after the introduction of the DPS scheme whenever D.C. is incurred by the FCI to dear the wagons in time the same can be recovered from the erring workers. There is absolutely no documentary evidence in this case to prove that there was any such modified instructions. Clause 15 of Ext. M2 provides that the workers found indulging In disobedience, misconduct etc. shall be subject to action under Model Standing Orders provided In Industrial Employment (Standing Orders) Act, 1946. As per S.14 of the said Act disciplinary action can be initiated against the workman for misconduct and a workman can be fined up to 2% of his wages in a month for the acts and omissions which are notified with the previous approval of the government or of the prescribed authority in pursuance of S. 8 of the Payment of Wages Act, 1946. It was submitted by the learned counsel for both sides that no notification has so far been issued by the management specifying the acts and omissions amounting to misconduct. The decision to recover the D.C. from the DPS workers taken by the management cannot be said to be in accordance with that provision in the said Act.

20. Learned counsel for the management was not able to point out any statutory provision, rule or any agreement which permits the management to recover the D.C. from the DPS workers in this case without any enquiry. It is already found that it is not due to the deliberate non attendance of the workers that the D.C. was levied by the railways. There is also nothing on record to satisfy that the management is entitled to recover the same from the wages of the DPS workers.

21. In view of the above discussion, I find that the action of the management to recover the D.C. from the wages of the 38 DPS workers is not legal and justified.

22. **Point No. 3 :** It is already found that the action of the management to recover the D.C. from the wages of the 38 DPS workers is not legal and justified. Hence the management cannot recover the D.C. from those DPS workers.

The award will come into force one month after its publication in the official gazette.

Dictated to the personal Assistant, transcribed and typed by her, corrected and passed by me on this the 29th day of February, 2012.

D. SREEVALLABHAN, Presiding Officer

#### APPENDIX

##### **Witness for the Unions**

WW1 - T.B. Abykumar, Unit President, FCI Workers Union, FCI Depot, Chingavanam Unit, Chingavanam.

##### **Witness for the Management**

MW1- M. Kandamuthan, Area Manager, FCI District Office, Chingavanam, Kottayam.

##### **Exhibits for the Unions - Nil.**

##### **Exhibits for the Management**

- M 1 Photocopy of the letter No. TC-1/2005/201/2Pt. D of Government of India, Ministry of Railways, Railway Board dated 10-10-2006.
- M 2 Photocopy of the letter No. IR(L)/8/22/94 of the Executive Director (General) dated 14-06-1996 as to the introduction of Direct Payment System in Food Corporation of India's owned depots.
- M 3 Photocopy of the Memo No. DPS-D/IRL/32 (4)/ 06-07 dated 1-11-2008 issued from the Food Corporation of India, District Office, Kottayam.
- M 4 Photocopy of the Notice No. DPS-D/IRL/32 (4)/ 06-07 dated 3-11-2008 issued from the Food Corporation of India, District Office, Kottayam.
- M 5 Bill No. CGV/FCI/DC/8/2008-2009 dated 4-11-2008 of S. M., Chingavanam, Southern Railways.
- M 6 Photocopy of Letter No. V/C. 200/DC/Waiver/08 dated 22-12-2008 addressed to the Area Manager, Food Corporation of India, District Office, Kottayam by the Senior Divisional Commercial Manager of the Southern Railway.
- M 7 Photocopy of Receipt No. CGV/FCI/DC/P/11/I dated 30-11-2010 issued by the Station Master, Southern Railway, Chingavanam for payment of demurrage charges.
- M 8 Office copy of Memo No. IRL. 32 (5)/10/08 dated 05-11-2008 issued to the D.P.S. workers from the Food Corporation of India, District Office, Kottayam.
- M 9 Explanation dated 12-11-2008 submitted by Shri. Mani K. Thomas, DPS worker No. 53.
- M 10 Report No. MC. 10(2)/CGV/DCC/08-09 dated 23-01-2009 of the DC Committee.
- M 11 Notes/Draft prepared as to the recovery of the demurrage charges from 38 DPS workers in the office of the Food Corporation of India, Kerala Region, Kottayam.
- M 12 Office copy of the proceedings No. IR-L/32 (5)/ 10/08 dated 19-02-2009 of the FCI, District Office, Kottayam.

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार-बी.ई.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-2, मुंबई के पंचाट (आईडी संख्या 2/36 का 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-2012 को प्राप्त हुआ था।**

[सं. एल-42012/268/2003-आई आर (सीएम-II)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/36 of 2004) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of M/s. Bharat Electronics Limited, and their workmen, received by the Central Government on 21-3-2012.**

[No. L-42012/268/2003-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

##### PRESENT

K. B. KATAKE, Presiding Officer

REFERENCE NO.CGIT -2/36 of 2004

EMPLOYERS IN RELATION TO THE MANAGEMENT  
OF

BHARAT ELECTRONICS LTD.

The Executive Director  
Bharat Electronics Ltd.,  
L-1, MIDC Industrial Area  
Taloja

Tah. Panvel

Distt. Raigad (MS)

AND

THEIR WORKMAN

Shri S.N.Pawar  
ST No. T 05990  
Walmiki Wadi  
Post Khalaur  
Distt. Raigad  
Raigad (MS).

##### APPEARANCES:

FOR THE EMPLOYER: Mr. George Kurian Advocate

FOR THE WORKMAN: Mr. M.B. Anchan, Advocate

Mumbai, dated the 23rd January, 2012

#### AWARD PART-II

1. The Government of India, Ministry of Labour and Employment by its Order No. L-42012/268/2003-IR (CM-II) dated 19-8-2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Bharat Electronics Ltd., Taloja in dismissing the services of Sh. S.N. Pawar is legal and justified? If not, to what relief the workman is entitled?"

2. The second party workman herein was chargesheeted for unauthorized absence for 252 days for the period 20-2-1998 to 7-7-1999. The management had appointed inquiry officer. The inquiry officer conducted inquiry against the second party workman. He held the workman guilty and submitted his report to the management along with his findings. Management had sent the copy of the report and findings of the inquiry officer to the second party workman and called his say thereon. After considering the report, and say of the workman, the management dismissed the workman from service. The workman has raised industrial dispute before ALC (C). As conciliation failed, on report of the conciliation officer, Ministry of Labour, Government of India sent the reference to this Tribunal.

3. The second party workman filed his statement of claim vide Ex-9. He claims that the inquiry was not fair and proper and the findings of the inquiry officer are perverse. He also claims that the punishment is disproportionate. Therefore he prays to set aside the order of dismissal and also prays for reinstatement with full back-wages.

4. The first party management resisted the statement of claim vide its written statement Ex-10. According to them, the workman was absent for 252 days from 20-2-1998 to 7-7-1999. He was unauthorisedly absent. His explanation was unacceptable, therefore they chargesheeted the workman. The inquiry officer was appointed. He conducted the inquiry by following proper procedure. The workman was given full opportunity to defend himself. Workman took part in the inquiry through his legal representative. The inquiry officer has submitted his report and gave findings. The inquiry was fair and proper and the findings of inquiry officer are based on evidence and they are good reasoned findings. They further contended that the punishment of dismissal is proportionate to the proved misconduct. Therefore they pray that the reference be dismissed with cost.

5. My Ld. Predecessor has framed issues at Ex-14. Issues nos. (i) and (ii) were treated and tried as preliminary issues. In Award Part-I my Ld. Predecessor held that the inquiry was fair and proper. He also held that findings of the inquiry officer are not perverse and directed both the

parties to lead their evidence on the point of remaining issues no. (iii) and (iv). They are as follows :

Sr. No.	Issues	Findings
iii.	Is punishment just and proper?	No
iv.	What order?	As per final order.

### REASONS

Issue Nos. III and IV.—

6. In the case at hand, in Award Part-I it is held that the second party workman was absent for 252 days from 20-2-1998 to 7-7-1999. My Ld. Predecessor also held that the inquiry was fair and proper and findings of the inquiry officer are not perverse. Now the only question for my determination is whether the punishment of dismissal is shockingly disproportionate to the proved misconduct. In this respect the Ld. Adv. for the second party submitted that the workman was taken ill. Therefore he could not attend his duties. He further submitted that workman had sent medical certificates of 246 days and in respect of 7 days he was absent for 1 or 2 days at a time for which medical certificate is not required. In the circumstances the Ld. Adv. submitted that the punishment of dismissal is very harsh and disproportionate to the alleged misconduct.

7. In this respect the Ld. Adv. for the first party submitted that the second party workman neither applied nor informed his superior officer so also he did not apply for leave and remained absent unauthorisedly. He further pointed out that in a period of one and half year, the second party workman was found absent for 252 days. The management has given the data of his absence. He was absent for 14 days in February 1998, 14 days in March/April 1998, 39 days in May/June 1998 and 175 days from 3-9-1998 to 22-2-1999 and five days from 10-5-1999 to 14-5-1999. The Ld. Adv. for the first party also referred cross examination of WW-1 (Ex-16) wherein he has admitted that his increment was stopped since 1995 till 2002 due to regular absence. It indicates even previous conduct of the workman. According to him habitual absenteeism is gross misconduct and punishment of dismissal is appropriate punishment.

8. In support of his argument the Ld. Adv. resorted to Bombay High Court ruling in Tata Engineering and Locomotive Co. Ltd. V/s. Mr. Suhas Madhukar Muley and Anr. 2007 III CLR 632 wherein the Hon'ble Court observed that:

"Prolonged absenteeism coupled with his past record shows that workman does not deserve any leniency."

The Ld. Adv. also resorted to Apex Court ruling in Chairman and Managing Director VSP & Ors. V/s. Goparaju,

Shri Prabhakara, Hari Bhau 2008 II CLR 338 wherein the Hon'ble Court held that;

"Charges having been admitted by respondent were not required to be proved by the management and on the basis of sympathy or sentiment, High Court cannot overturn a legal order passed by the disciplinary authority."

9. The Ld. Adv. also referred another Apex Court ruling in State of UP V/s. J.P. Saraswat 2011 (1) SCCLR 992 wherein the workman therein had gone to USA and overstayed his leave for over a year and a half on the first occasion and on the second occasion he went to USA without even caring to obtain leave and remained there for over four years. In this backdrop the Hon'ble Court observed that,

"In those circumstances the punishment of termination of service that would not debar from future employment was a perfectly reasonable and fair punishment and there was no occasion for the High Court to interfere with that order. The High Court was equally wrong in setting aside the punishment order passed against the respondent on the ground that the State Government has not responded to his application for extension/grant of leave....."

10. In this respect the Ld. Adv. for the second party submitted that in the case at hand neither workman had gone abroad as in the above cited case nor remained absent without any intimation. On the other hand the inquiry officer has admitted in his cross examination at Ex-19 page 5 thereof that concerned workman had applied for leave without pay from 23-9-1998 to 22-2-1999 and said request was rejected by the management. The inquiry officer has also admitted in his cross that the concerned workman has submitted four medical certificates which cover his absenteeism for 240 days out of 252 days. The inquiry officer further admitted that leave record of the workman was not produced in the inquiry proceeding. The Ld. Adv. submitted that it shows that the workman could not attend his duties due to severe illness and not for any other purpose. He has also applied for leave which was rejected. He further submitted that the leave record was also not produced before the inquiry officer. In the circumstances the Ld. Adv. submitted that though the workman was absent, due to illness he was prevented from attending the duties. He further submitted that due to illiteracy and ignorance he may not have lead strong evidence. However the inquiry officer has admitted that, the workman has produced four medical certificates covering the period of 240 days out of 252 days. In the circumstances, the Ld. Adv. submitted that poor illiterate worker should not be compared with the respondent in the above referred Apex Court ruling who stayed in USA for four years without obtaining leave.

11. On the other hand the Ld. Adv. for the second party workman submitted that in the affidavit at Ex-16 para 2 thereof the workman has specifically contended that during the period 22-2-98 to 7-7-99 he was sick and was under medical treatment. It is further contended that whenever he fell sick he had informed superior about his sickness and has also submitted leave applications supported by medical certificates. It is further contended in his affidavit that after he recovered from illness he submitted fitness certificate. During inquiry he had given the copies of medical certificates to the inquiry officer. The Ld. Adv. pointed out that this version in the affidavit of WW-1 is neither denied nor challenged in his cross examination. The Ld. Adv. therefore submitted that the absence of the ill taken workman should not be compared with a person who had gone abroad without obtaining leave and stayed there for four years. The Ld. Adv. for the second party submitted that the inquiry officer though has conducted inquiry in a fair and proper manner, he did not consider the fact that workman could not attend his duties due to illness. He did not even call for the leave record of the workman. The inquiry officer has recorded the findings mechanically. In these circumstances, I come to the conclusion that though the workman was absent for 252 days, he could not attend the duties and whenever he was unable to attend he remained absent for the said period upto 22-2-1999. Though Court need not interfere where the workman is negligent or careless in respect of attending his duties, at the same time it is also duty of the Court to look into the genuine difficulties of the workmen who are mostly illiterate and ignorant about their rights. If a workman is unable to attend his duty due to illness, the management should give due consideration to his difficulties. In this backdrop when the fact that workman was taken ill and was under treatment was neither challenged nor denied by the management, the management was not justified in dismissing the services of the second party workman.

12. In this respect further I would like to point out that since 1999 i.e. since last more than 12 years the workman is not on duty. In the circumstances though he is reinstated, it will not be desirable to grant him any back-wages. Furthermore after lapse of a decade it is also not known whether there is vacancy of the post on which the workman was working. Furthermore, I would like to point out that now the law is amended and instead of reinstatement, compensation can be awarded to the workman. In the circumstances, I would like to give option to the management either to reinstate the workman without any back-wages with all the other benefits or to pay him compensation to the tune of Rs.60,000. Accordingly, I partly allow the reference and proceed to pass the following order :

### ORDER

(i) The reference is partly allowed with no order as

to cost.

- (ii) First party is at liberty to reinstate the second party workman without back-wages and with all other benefits or they may opt to pay compensation to the workman to the tune of Rs.60,000.
- (iii) The first party is directed to inform the second party workman within a month from the date of receipt of the copy of the award as to which option they would like to opt.

Date: 23-1-2012

K. B. KATAKE, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का.आ.1367.—**ओमोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओमोगिक विवाद में केन्द्रीय सरकार ओमोगिक अधिकरण सं. 1, धनबाद के पंचाट (संदर्भ संख्या 102/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-2012 को प्राप्त हुआ था।

[सं. एल-12012/127/2003-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1367.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2003) of the Central Government Industrial Tribunal No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen received by the Central Government on 10-1-2012.

[No. L-12012/127/2003-IR (B-II)]

SHEESH RAM, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD In the matter of a reference U/s. 10(1)(d) of I.D. Act Reference No. 102 of 2003.

**Parties :** Employers in relation to the management of Central Bank of India, Patna.

AND

Their Workmen.

**Present :** Shri H. M. Singh,  
Presiding Officer

#### Appearances :

For the Employers : Shri R. K. Singh,  
Regional Manager.

For the Workman : Shri B. Prasad,  
Authorised Representative.

State : Bihar. Industry : Bank.

Dated, the 5th January, 2012

### AWARD

By Order No. L-12012/127/2003-IR(B-II) dated 16-9-2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

**"Whether the claim of Sri Krishna Kumar that he was engaged on daily wage basis by the management of Central Bank of India during the period from 2-8-1997 to 31-3-1999 is correct? If so, what relief is he entitled to? Whether the action of the management in terminating the service of Shri Krishna Kumar is justified and legal? If not what relief is he entitled?"**

2. The case of the concerned workman is that he was orally appointed by the management of Central Bank of India, Veer Kumar Singh University extension counter under Arrah Branch to discharge the duties of Sweeper/Peon on and from 2-8-1997. He was discharging his duties of cleaning and sweeping the Branch premises, taking out ledgers/registers from the Almirah, placing the same on tables, counters; cleaning the tables, chairs, counters; carrying token book, scroll register from Cash Deptt. to Accounts Department and vice-versa; posting of mails to post office; stitching of vouchers/currency notes whenever required serving water, tea to the members of staff and customers of the Bank etc. He was performing his duties from 9 A.M. to 5 P.M. regularly on week days and upto 2 P.M. on Saturday and sometimes even beyond that as per requirement. The concerned workman was paid wages @ Rs. 5 per day. On 1-4-1999 when the workman went to perform his duties he was stopped from working and was informed that his services stand terminated. He worked from 2-8-1997 to 31-3-1999 continuously. He was being paid his wages through vouchers. Neither any notice, notice pay nor any retrenchment compensation was paid to the concerned workman prior to his termination. The termination of the concerned workman is covered under Sec. 2(oo) of the Industrial Disputes Act. After termination he represented to the management but without any effect. Thereafter, an industrial dispute was raised before the A.L.C. (C), Patna, which ended in failure and the present dispute has been referred to this Tribunal for adjudication.

It has been prayed that this Hon'ble Tribunal be pleased to answer the reference in favour of the workman by directing the management to reinstate the concerned workman with back wages w.e.f. 1-4-1999 and to regularise as a peon-cum-farash under subordinate cadre under full scale wages.

3. The case of the management is that the concerned workman was never in employment of the bank in any capacity. The Incharge of the Branch has taken work of

cleaning, sweeping intermittently on some occasion in the year 1998-99 on payment of Rs. 5 on each occasion. He was never appointed on daily wages either against a leave vacancy or temporary vacancy and some payments were made to him. He worked lastly on 31-3-1999 and thereafter he has not done any work of cleaning or sweeping in the bank. He raised claim at a very belated stage which is fit to be dismissed. The concerned workman had also moved the Hon'ble Patna High Court for regularisation of his service on Class-IV post in CWJC No. 3023 of 2000. The said writ application was dismissed by the Hon'ble High Court by a detailed order dated 3-9-2004. In view of the facts stated above no legitimate industrial dispute existed between the workman and the management of the bank and as such the claim of the concerned workman is fit to be rejected.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. On behalf of the workman WW-1 (Krishna Kumar) was examined and proved some documents as Exts. W-1 to W-19 on formal proof.

The management has not produced any oral or documentary evidence and no argument was advanced on behalf of the management, though the management filed written statement and management's representative also represented on various dates in the case.

6. Main argument advanced on behalf of the concerned workman is that he was doing the job with the management at Veer Kumar Singh University extension counter under Arrah Branch from 2-8-1997 to 31-3-1999 and he was doing the job of part-time sweeper there from 9 AM to 5 PM. He was getting Rs. 5 per day through voucher. The post of permanent sweeper was vacant. He worked for more than 240 days in 12 calendar months from 2-8-1997 to 31-3-1999. His duty is permanent nature of job. He was stopped from duty and before stoppage no notice or notice pay or any retrenchment compensation was paid to him.

7. The management has stated in the written statement that the workman had moved the Hon'ble Patna High Court for regularisation of service on Class-IV post in CWJC No. 3023 of 2000 which has been dismissed by the Hon'ble High Court. But the certified copy of the above judgement has not been filed by the management, so that the assertion of the management can be believed nor any officer of the Bank employee had come before the Court to give oral evidence that any such order has been passed by the Hon'ble High Court against the concerned workman.

8. The concerned workman has stated in his evidence that he was getting Rs. 5 per day through voucher, which is very low and he was paid this wages from 2-8-1997 to 31-3-1999. There is no ground to disbelieve the evidence of the concerned workman on oath which has not been

So, considering the above facts and circumstances, it shows that the concerned workman is entitled to be regularised as part time sweeper by the management because sweeping and cleaning job is permanent nature of job which cannot be denied by the management. The management in its written statement has admitted that the concerned workman was being paid Rs. 5 per day. In the payment vouchers Ext. W-1 to W-19 it has not been mentioned that he was working one and half hours a day, that above payment has been made for whole days.

9. Considering the above facts and circumstances I hold that the concerned workman was engaged by the management on daily wage basis from 2-8-1997 to 31-3-1999 and he is entitled to be regularised after being reinstated as part time sweeper w.e.f. 1-4-1999 with 50% back wages.

10. Accordingly, I render the following award :-

The claim of Sri Krishna Kumar that he was engaged as daily wage basis by the management of Central Bank of India during the period from 2-8-1997 to 31-3-1999 is justified and the action of the management in terminating the service of the concerned workman is not justified. Hence, the concerned workman is entitled to be reinstated in service as part time sweeper w.e.f. 1-4-1999 with 50% back wages and be regularised. The management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का.आ.1368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्राम न्यायालय, नागपुर के पंचाट (संदर्भ सं. सीजीआईटी/एनजीपी/ 77/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2012 को प्राप्त हुआ था।**

[सं. एल-12012/100/2001-आई आर (बी-II)]

शोश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/ NGP/77/2001) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 16-1-2012.**

[No. L-12012/100/2001-IR (B-II)]

SHEESH RAM, Section Officer

## ANNEXURE

### BEFORE SHRI J.P.CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/77/2001

Date: 26-12-2011

**Party No.1 :** The Regional Manager,  
Bank of India, Regional Office  
Jaiswal Bhawan, Yeshwant Collony,  
Wardha (MS).

### Versus

**Party No. 2 :** Shri Yashwant Pundlik Vyas,  
R/o Sant Tukado Ji Ward,  
Pradnya Nagar, Hignaghat,  
Wardha (MS).

### AWARD

(Dated: 26th December, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bank of India and their workman, Shri Yeshwant Pundlik Vyas, for adjudication, as per letter No. L-12012/100/2001-IR (B-II) dated 10-10-2001, with the following schedule :—

"Whether the action of the management of the Regional Manager, Bank of India, Wardha in ordering dismissal to the workman Shri Yeshwant Pundlik Vyas from the bank's service vide their order dated 1-12-1993 w.e.f. 14-12-1993 is legal, proper and justified? If not, what relief the said workman is entitled and from what date?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Yeshwant Pundlik Vyas (the "workman" in short) filed the statement of claim and the management of the Bank of India ("Party No. 1" in short) filed its written statement.

The case of the workmen as projected in the statement of claim is that he was appointed as a clerk-cum-typist by Party No.1 on 13-8-1984 and was posted to Hingnaghat branch and he worked continuously without any break till 1-12-1993 and his service record was clean and unblemished and on 14-10-1992, he was served with a charge sheet by Party No. 1 on the allegation that he misrepresented the bank about maintaining of a saving bank account with Medical College Square Branch of Nagpur and raised ten debit notes of the above branch and withdrew the amount and credited the proceed of debit notes to his saving bank account No. 5196 of Hingnaghat Branch and withdrew the money so credited and misappropriated Rs. 24,000 of the bank and he denied the charges levelled against him, by submitting his reply and the Party No.1 was not satisfied with his reply and as such, proceeded with the departmental enquiry by

appointing Shri P.R. Pundlik as the Enquiry Officer and after conducting the departmental enquiry, dismissed him from service by Order dated 1-12-1993.

The further case of the workman is that the order of dismissal dated 1-12-1993 is wholly illegal and against the principles of natural justice and no fair and proper opportunity was given to him to defend the case and the departmental enquiry was conducted without adhering to the principles of natural justice and the defence witnesses were deliberately restrained by the Administrative Manager from participating in the departmental enquiry and he is not so conversant with the 'English language, but the departmental enquiry was conducted in English language and the translated copy of the evidence recorded in the departmental proceeding in Marathi language was not supplied to him and as such, he could not able to understand the findings of the Enquiry Officer and he had been falsely entangled in the matter by some officers of the bank and the findings of the Enquiry Officer are perverse and the punishment of dismissal is shockingly disproportionate and therefore, is liable to be quashed and set aside. The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The management of the Bank, in their written statement has pleaded inter-alia that the workman misappropriated an amount of Rs. 24,000 during the course of his duty and such act of the workman amounted to misconduct within the meaning of clause 19.5 (j) of the First Bipartite Settlement dated 19-10-1966 and the workman raised 10 debit notes of different branches and transferred the amount into his savings bank Account No. 5169 of Hingnaghat Branch and the workman submitted his reply to the charge sheet, but as the reply submitted by the workman was false and far from the factual position, it was decided to conduct the departmental enquiry against him and the Enquiry Officer followed the principles of natural justice and the rules and the regulations governing the departmental enquiry and the workman appointed one Shri A.S. Sahasrabudhe as his defence representative, who was well educated and was having knowledge in English language and the workman never raised any objection before the Enquiry Officer regarding his having of poor knowledge in English language and fair and equal opportunity was given by the Enquiry Officer to both the parties in the enquiry and on 30-8-1993, the Enquiry Officer submitted his report holding the charges levelled against the workman were duly proved and the Enquiry Officer had assigned elaborate reasons for the conclusions reached by him and the show cause notice was issued to the workman on 6-11-1993 along with the copy of the enquiry report and the workman was also granted personal hearing and though the workman took adjournments for personal hearing, lastly on 1-12-1993, he submitted his written submissions without appearing for

personal hearing and after taking into consideration the submissions made by the workman, the Disciplinary Authority came to the definite conclusion about the commission of misconducts by the workman and the misconduct committed by the workman were of serious nature and accordingly, the punishment of dismissal was passed against the workman and the punishment is reasonable and as such, there is no scope of interference in the matter.

4. As this is a case of dismissal of the workman from service, after holding a departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration and by order dated 24-7-2007, the enquiry was held to be proper and legal.

5. It is necessary to mention here that as the workman did not appear in the case for making argument regarding the perversity of the findings and quantum of punishment, the case proceeded against him ex parte and after hearing argument from the side of the management, the case was closed and posted for award.

6. At the time of argument, it was submitted by the learned advocate for the management that in this case the validity of the departmental enquiry has already been held to be legal and proper and the Enquiry Officer considered the evidence adduced in the departmental enquiry by the parties and after assessing the evidence properly and giving reasons in support of his findings, he held the charges levelled against the workman to have been proved and the findings are not perverse and the workman committed misappropriation and as such the Party No.1 lost trust and faith on the workman and as such, there was no point in continuing with the services of the workman and the punishment is legal and justified.

In support of such contentions, reliance has been placed by the learned advocate for the management on the decisions reported in AIR 2000 SC - 3129 (Janatha Bazar versus Secretary, Sahakary Noukarara Sangh) and 2010 (2) Bom. C. R. 47 (Asaram Dagduji Pawar versus Divisional Controller, M.S.R.T.C).

7. Perused the record including the documents of the departmental proceedings and found that this is not a case of no-evidence. The Enquiry Officer has assessed the evidence adduced before him by the parties during the departmental enquiry in detail. He has assigned reasons in support of his findings. The findings of the Enquiry Officer are not based on any extraneous material. Hence, the findings of the Enquiry Officer cannot be said to be perverse.

- Serious misconduct of misappropriation of money of the bank has been proved against the workman in a properly conducted departmental enquiry. The management has lost confidence on the workman. As misappropriation of money has been proved against the workman, there is no question of considering his past record. Hence, the punishment of dismissal from service

passed against the workman cannot be said to be shockingly disproportionate and thereby calling for any interference. Hence, it is ordered :—

#### **ORDER**

The action of the management of the Regional Manager, Bank of India, Wardha in ordering dismissal to the workman Shri Yeshwant Pundlik Vyas from the bank's service vide their order dated 1-12-1993 w.e.f. 14-12-1993 is legal, proper and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली; 21 मार्च, 2012

**का. आ.1369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच; अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट पार्ट-II (संदर्भ संख्या सोजीआईटी 2/94 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-1-2012 को प्राप्त हुआ था।**

[सं. एल-12012/132/2002-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Part-II (Ref. No.CGIT-2/94 of 2002) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 20-1-2012.**

[No. L-12012/132/2002-IR (B-II)]

SHEESH RAM, Section Officer

#### **ANNEXURE**

#### **BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

Present : K. B. KATKE, Presiding Officer

#### **EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF INDIA**

#### **REFERENCE NO.CGIT-2/94 of 2002**

The General Manager,  
Bank of India,  
Mumbai South Zone,  
Bol Building,  
70-80, M.G.Road, Fort,  
Mumbai-400,023.

#### **AND**

#### **Their Workman**

Sri Shankar Laxman Pawar,  
92/4, Municipal Chawl,  
Ground Floor,  
Jerbai Wadia Road, Parel,  
Mumbai-400 012.

#### **APPEARANCES :**

For the employer : Ms. Nandini Menon, Advocate.

For the workma : Mr. Ramesh Dubey Patil,  
Advocate.

Mumbai, dated the 2nd January, 2012

#### **AWARD PART-II**

The Government of India, Ministry of Labour & Employment by its Order No. L-12012/132/2002-IR (B-II), dated 7-11-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Bank of India, Mumbai, South Zone, Mumbai to dismiss Shri Shankar Laxman Pawar from service w.e.f. 28-6-2001 is justified? If not, what relief the workman Shri Shankar Laxman Pawar is entitled to?”

2. My Ld. Predecessor by award Part-I dated 2-6-2009 held that the inquiry was fair and proper and parties have led evidence on the point of punishment.

3. Following are the issues in this award Part-II for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
3.	Is punishment proportionate to the proved misconduct? If not, what relief the concerned workman is entitled to?	Yes: No relief
4.	What order ?	As per final order.

#### **REASONS**

#### **Issue No. 3 :**

4. The charges levelled against the workman were that the workman was in collusion with Mr. S.G.Kachare, Staff Officer and Shri V. P. Popat, AELPM Operator and withdrawn cash from SB A/c No. 18900 of the workman and issued four cheques bearing numbers 177986, 177988, 177989 & 177990 without maintaining sufficient balance in his account and subsequently for making good the short

fall in the account, the workman adopted the method of depositing cheques lateron. In short, during the period 1997-98, workman and certain employees of the Bank in collusion with certain outsiders had perpetrated various irregularities at the Jacob Circle Branch exposing the Bank to serious financial loses. Therefore, Bank authorities were compelled to issue chargesheet to the workman alleging several acts of gross misconducts under clause 19.5 of the Bipartite Settlement. The departmental inquiry was initiated against the workman. The inquiry officer explained the charges, examined the witnesses in presence of the workman and his legal representative. Sufficient and fair opportunity was given to the workman to defend himself. The findings of inquiry officer are also found not perverse. Therefore in Part-I Award my Ld. Predecessor held that the inquiry was fair and proper and findings of inquiry officer are not perverse.

5. In this Part-II award I am dealing with whether the punishment is proportionate to the proved misconduct of the workman. In this respect the Ld. Adv. for the second party submitted that the workman herein was a Peon. He further submitted that the other employees; Mr. Popat and Mr. Kachare were senior staff members of the Bank. They have taken advantage of their seniority and compelled the workman to use his account. According to him, the workman acted as per the directions of his superiors without knowing the implications. The workman was under belief that Mr. Popat and Mr. Kachare had genuine difficulties. Even Mr. Popat has admitted the innocence of the workman vide his letter dt. 7-9-98 addressed to the employer. The workman was made scape-goat of the mistakes of his senior staff members. He further submitted that, there was no financial loss to the Bank from the transactions routed through the workman's account. Similarly there is no financial loss to customers. The Ld. Adv. further pointed out that there was case registered with CBI in respect of fraud of Jacob Circle Branch. CBI made investigation and arrested some of the staff members. However they did not even call the workman for any inquiries. It indicates that CBI was convinced that the workman was innocent and was not involved in the fraud. In this backdrop the Ld. Adv. pointed out that the workman is the only earning member of his family. His widow mother, unmarried and unemployed two sisters and one sick unemployed brother are dependent on him. In case he is terminated, the workman and his family will be totally destroyed as workman is the only bread winner in the family.

6. In the circumstances, the Ld. Adv. submitted that workman has not done anything which is harmful or adverse to the interest of the Bank or causing any financial loss. Thus he submitted that punishment to dismiss the workman from service is shockingly disproportionate to the alleged misconduct. He further submitted that the employer has dismissed the workman from services

without approval under Section 33 (2) (b) under I.D.Act. Thus the dismissal order is illegal and deserves to be dismissed on this ground alone.

7. As against this the Ld. Adv. for the first party submitted that the second party was a Bank employee. The Bank employees are the custodian of public money and high degree of integrity is expected from the Bank employees. He further submitted that the inquiry officer held the workman guilty for the misconduct of using his account for causing loss to the interest of the Bank. The workman was also held guilty of the charge that in collusion with some other Bank officials and private parties, the workman has played fraud on the Bank and caused monetary loss to the Bank. The charges proved against the workman are no doubt of serious nature. Though workman was a Peon and acted as per the instructions of some other superior officers, he does not deserve any leniency as he was in collusion with the other officers and with some other private persons. The Ld. Adv. submitted that for such serious misconduct of fraud causing loss to the interest of the Bank does not deserve any leniency. In support of his argument the Ld. Adv. for the first party resorted to Apex Court ruling in UPSRTC V/s. Mohanlal Gupta (2000) 9 SCC 521. The Hon'ble Court on the point of punishment observed that :

“The misconduct stands proved and in such a situation by reason of the gravity of the offence, the labour court cannot exercise its discretion and alter the punishment.”

8. Ld. Adv. also resorted to another Apex Court ruling in State Bank of India V/s. Ramesh Dinkar Pandey (2006) 7 SCC 212 wherein the Hon'ble Court in respect of misconduct by Bank official observed that;

“It is for this reason that when a Bank Officer commits misconduct as in the present case, for personal ends and against the interest of the Bank and the depositors, he must be dealt with iron hands and he does not deserve to be dealt with in leniency.”

9. The Ld. Adv. also resorted to recent Apex Court ruling in State Bank of Bikaner and Jaipur V/s. Nemi Chand Nalwaya (2011) 4 SCC 584, wherein the Hon'ble Court on the point of punishment to Bank employee observed that:

“A Bank is justified in contending that not only the employees who are dishonest but those who are guilty of gross negligence are not fit to continue in its service”.

10. The Ld. Adv. for the first party also cited another Apex Court ruling in U.B.Gadhe V/s. Gujarat Ambuja Cement Pvt. Ltd. (2007) 13 SCC 634 wherein in respect of power of Industrial Tribunal under Section 11-A of I.D.Act, the Hon'ble Apex Court observed that :

"The power under said Section 11-A has to be exercised judiciously and the Industrial Tribunal or the Labour Court, as the case may be, is expected to interfere with the decision of the management under Section 11-A of the Act only when it is satisfied that punishment imposed by the management is wholly and shockingly disproportionate to the degree of guilt of the workman concerned."

11. Looking into the proved misconduct of collusion with the others, the workman was found guilty for grave misconduct of allowing to misuse his account for diverting funds of the Bank and causing loss to the Bank. In the circumstances, and in the light of the ratios laid down in the above referred rulings, I come to the conclusion that the punishment awarded to the workman neither can be called shockingly disproportionate or disproportionate to the charges proved against him. Accordingly, I decide this issue no. 3 in the affirmative that the punishment is proportionate to the proved misconduct. Therefore question of granting any relief to the workman does not arise. Thus I decide this second part of issue no. 3 in the negative. Hence I proceed to pass the following order:

#### **ORDER**

The Reference stands rejected with no order as to cost.

Date : 2-1-2012

K. B. KATAKE, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का. आ.1370.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 136/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-1-2012 को प्राप्त हुआ था।

[सं. एल-12012/70/2007-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1370.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 136/2007) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 20-1-2012.

[No. L-12012/70/2007-IR (B-II)]

SHEESH RAM, Section Officer

1215 GJ 12-25

#### **ANNEXURE**

#### **BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**

#### **BANGALORE**

Dated : 10th January, 2012

Present : Shri S. N. Navalgund, Presiding Officer

**C.R.No. 136/2007**

#### **I PARTY :**

Shri A.R. Ranganath,  
No. 37, 5th Main, 4th Cross,  
Thyagarajnagar, Bangalore

#### **II PARTY :**

The General Manager(P),  
Canara Bank,  
112, JC Road,  
Bangalore-560 002

#### **AWARD**

1. The Central Government by exercising the powers conferred by clause (d) of sub-section(1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide Order No. L-12012/70/2007-IR(B-II) dated 8-10-2007 for adjudication on the following Schedule :

#### **SCHEDULE**

Whether the punishment of compulsory retirement imposed on Shri A.R. Ranganath by the management of Canara Bank is legal and justified ? If not, to what relief the workman is entitled ?

2. Shri R. Ranganath (hereinafter referred as first party) who was appointed as Clerk by the Canara Bank (herein after referred as Second Party) while working as Cashier at Second Party's Malur branch on reporting shortage of Rs. 10,000 on 2-9-2004 was placed under suspension by order dated 9-10-2004 and thereafter obtaining his explanation and getting the matter investigated through Shri H.R. Mushtaq Ahmed, Officer served on him charge sheet dated 26-2-2005 as under:

#### **CHARGE SHEET**

"Whereas there are prima facie ground for believing that you have committed GROSS MISCONDUCT the particulars whereof are given below and hence this charge sheet has been drawn up against you and you are required to submit to me within 15 days of receipt of this charge sheet a statement in writing setting forth your defence, if any, and showing cause as to why suitable action would not be taken against you.

**CHARGE-I**

You were working as Clerk at our Malur branch from 16-8-1999 till the day you were placed under suspension on 14-10-2004. Our Malur branch, vide their letter No. MSCR/Cash/Malur 106/2004 dated 3-9-2004, informed about the cash shortage of Rs.10,000 incurred by you while working as Cashier at the branch on 2-9-2004. The amount was debited to Sundry Assets, as you could not make good the cash shortage amount on 2-9-2004 to close the books of accounts.

An investigation conducted into the matter revealed that the cash shortage incurred by you on 2-9-2004 is a deliberate act. Verification of cash payments/receipts of the day, did not indicate any excess payment/short receipt and all the efforts to find out cash difference is failed. It was observed that you were least perturbed with the incident and you had readily requested the branch incharge to debit the amount to Sundry Assets by signing the SA Slip, stating that you had no money to reimburse immediately.

The investigation has further revealed that you were not entrusted with the cash duties since a long time, on account of a complaint for short payment of Rs.10,000 on 28-4-2003 by one of the customers of the branch, which had appeared in a local news paper. You have been cautioned in this regard, vide letter No. BLC/SSW/10059/EP/Fraud/2004 dated 20-1-2004 by our staff section (workmen), Circle Office, Bangalore. You have been entrusted with cash duties from 28-8-2004 only due to some administrative exigencies and you have reported cash shortage of Rs.10,000 on 2-9-2004. Once again, on

9-9-2004, you have incurred cash shortage of Rs.3,000 which you had made good by borrowing from Shri Kumar of M/s Venkatadri Agencies, one of the customers of the branch. You are having financial problems and many customers/others are contacting the branch demanding the money borrowed from them.

Thus, by your above action, you have deliberately caused shortage of cash of Rs.10,000 on 2-9-2004 with an ulterior motive, which touches upon your honesty and integrity.

You have by your above actions failed to discharge your duties with utmost integrity, honesty, devotion and diligence and thus contravened the provisions of Chapter XI, Regulation 2(a), (l) of Canara Bank Service Code and committed a "Gross Misconduct". You have by deliberately causing cash shortage willfully caused damage to the property of the Bank and committed a "Gross Misconduct" within the meaning of Chapter XI, Regulation 3(j) of Canara Bank Service Code.

All your above actions being prejudicial to the interest of the Bank, you have also committed a "Gross Misconduct" within the meaning of Chapter X, Regulation 3, Clause (m) of Canara Bank Service Code.

**Charge-II.**

You are in the habit of discounting of cheques in your name and in the names of others and utilizing the proceeds for gaining pecuniary benefits to yourself. The following cheques were discounted at our Malur branch and the proceeds were utilized by you :

Cheque No./date/CDB No.	Discounted on	Payee	Drawee	Amount Rs.	Realised on
561564/09-1-04 ECDB 54/04	9-1-2004	S. Arunkumar SB 22100	National Co-op. Bank Banashankari, Bangalore , SB 1557	7500	By cash on 18-3-2004
044893/10-2-04 CDB 107	10-2-04	S. Kumar SB 20486	National Co-op. Bank B.T. Road, Bangalore SB 8240	10000	By cash on 25-3-2004
044894/14-2-04 CDB 113	14-2-04	A.R. Ranganath OD32	National Co-op. Bank BT . Road, Bangalore SB 8240	8500	By transfer from OD on 25-3-04
972728/27-9-02 CDB 397/02	27-9-02	Shri Baba Enterprises CA 480	SBI, Thyagarajanagar, Bangalore	15000	By transfer from CA on 19-3-2003

ECDB 54/04 for Rs. 7500 is drawn on your SB Account No. 1557 at National Co-operative Bank, Banashankari, Bangalore, discounted on 1-1-2004 to Shri S. Arunkumar (44369), Clerk, on behalf of you, since you owe some money to him. The relative transaction slips/entries have been prepared by you. The ECDB instrument was not entered in tappal register and not received at our accounts section, Bangalore for collection. Since the entry was pending in branch books for more than 2½ months you have remitted cash of Rs.7,5000 to SB 21100 of Shri S. Arunkumar on 18-3-2004 and the CDB liability was reversed on the next day, without collecting any charges.

Cheque No. 044893 dated 10-2-2004 discounted under CDB 107/04 in favour of Shri S. Kumar (30535), Clerk, for Rs.10,000 is pertaining to SB 8240 in the name of Shri A.R. Badrinarayana, who is your brother. The said cheque sent for collection only on 5-3-2004 as per branch records and was returned unpaid on 11-3-2004 for the reason 'drawer's signature differs'. Even though the cheque belongs to your brother, you have signed the cheque purposefully as drawer of the cheque. On 25-3-2004, you had remitted the amount of Rs. 10,000 by cash to SB 20486 to reverse the CDB liability from SB Account. The relevant slips of 10-2-2004 and 25-3-2004 were prepared by you. Shri S.Kumar has confirmed that the discount of above cheque was arranged by you towards repayment of your dues with Shri S. Kumar.

On 14-2-2004 once again you have availed discounting of a cheque No. 044894 dated 14-2-2004 for Rs. 8500 under CDB 113/04 pertaining to your brother, Shri A. R. Badrinarayana, favouring you and the proceeds were credited to your OD 32 at our Malur branch. The cheque was also signed by you as drawer of the cheque even though the cheque does not belongs to your account. All the relevant slips are prepared by you only. There is no record to show that this cheque was sent to accounts section, Bangalore for collection in tappal register. Our accounts Section, Bangalore office confirmed that the CDB instrument was not received for collection at their end.

On 24-3-2004 and 25-3-2004 you had remitted cash to your OD account 32 to enable the branch to reverse the long pending CDB 113/04 liability from your OD Account.

Cheque No. 972728 dated 27-9-2002 for Rs.15,000- is discounted to Shri Baba Enterprises, current account 480 under CDB 397/02 on 27-9-2002. The cheque was signed by Smt. Suma Ranganath, your wife, drawn on SBI, Thyagarajnagar Branch, Bangalore, in favour of M/s. Baba Enterprises and the proceeds of CDB was utilised by you for purchase of TV. The enquiries made with the accounts Section, Bangalore, has revealed that this CDB instrument was also not received at our accounts section office,

Bangalore and there is no records to show dispatch of the instrument for collection. The relevant slips for the transactions were made by you. The CDB outstanding for a long time and the branch was making follow up of the pending entry. Ultimately on 19-3-2003 after a gap of six months, you have remitted cash to the current account 480 of M/s. Baba Enterprises (by borrowing money from Shri M.V. Krishnamurthy, the then Manager of the branch), to enable the branch to recover the CDB liability of Rs.16,209.

You have indulged in indiscriminate discounting of cheques at our Malur branch amounting to Rs.2,20,600 through 30 cheques of different banks in your name and in the name of others. The details of the 30 cheques discounted are furnished in the annexure to this charge sheet. Out of these, 8 cheques were not realized in the normal course, including 4 cheques referred above and the CDB entries were wiped off by transfer credit entries from the accounts where CDB proceeds were credited/by cash payment with undue delay.

Out of 30 cheques discounted by you, 4 cheques were drawn in favour of you by your wife, Smt. Suma Ranganath on SB1, Thyagarajnagar branch, Bangalore. Nine cheques were discounted amounting to Rs.69,800 drawn by Smt. Lakshmi on SBI, Thyagarajnagar branch, Bangalore. Nine cheques amounting to Rs.69,000 were drawn by M/s. Aralikatte Enterprises, Proprietix Smt. Suma Ranganath, your wife drawn on SBI, Thyagarajanagar branch, Bangalore. The address noted by SBI in the account details matches with your residential address furnished by you as per branch/bank records. All these cheques were discounted for accommodation purpose and not backed by any genuine transactions.

Our staff section(Workmen) circle office, Bangalore vide their letter No. BLC/SSW/11023/E-113(i)/EP/2004 dated 21-10-2004 has called for your explanation into the matter. The reply submitted by you vide your letter dated 14-12-2004 is neither convincing nor satisfactory.

By your above actions, you have indulged in unfair practice of discounting of cheques for accommodation purpose and intentionally removed the discounted instruments from the branch records to prevent presentation of the cheques in time, to gain pecuniary benefits and thus caused damage to the property of the Bank and committed "Gross Misconduct" within the meaning of Chapter XI Regulation 3 Clause (i) of Canara Bank Service Code. You have by your actions failed to discharge your duties with utmost integrity, honesty, devotion and diligence and thus contravened the provisions of Chapter XI, Regular 2 (A)(i) of Canara Bank Service Code committed a "Gross Misconduct".

12/15/9/7/12-26

By your above action you have also caused willful damage to the property of the bank and its customer and committed a "Gross Misconduct" within the meaning of Chapter XI Regulation 3(j) of Canara Bank Service Code.

All your above actions being prejudicial to the interest of the Bank, you have also committed a "Gross Misconduct" within the meaning of Chapter XI, Regulation 3, Clause (m) of Canara Bank Service Code.

3. On his reply dated 19-3-2005 while admitting the shortage of cash to the extent of Rs.10,000 on 2-9-2004 contending that it was not his deliberate act and the discounting of cheque was due to his financial problems the management being not satisfied of the said reply initiated the DE appointing Shri C.N. Chandrashekhar, Sr. Manager as Enquiry Officer and Shri Manjunatha HD, Manager as Presenting Officer by order dated 21-3-2005. The enquiry officer after observing the formalities of preliminary hearing and after receiving the evidence for the management tendered through Smt. Vani Badrinath, Manager, Shri J. Lakshmana, Clerk, Shri S. Arun Kumar, Clerk, Smt. Heethananda Shetty, Officer, Shri MV. Krishna Murthy, Manager, Shri K. Prabhakar, Officer and Shri H.R. Mushtaq Ahmed, Officer as MW1 to MW7 and exhibiting 51 documents as Ex.MEX.1 to MEX.51 and DEX 1 to DEX 5 for CSE, after receiving the written brief from the Presenting Officer as well as the Defence Representative submitted his enquiry finding dated 2-6-2005 wherein he held the charge of deliberate cash shortage (Charge No. 1) being not proved and Charge No. 2 being proved. The Disciplinary Authority after perusal of the enquiry findings with the evidence placed on record as well as the written submissions made by the Presenting Officer and the Defence Representative disagreed with the finding of the enquiry officer on Charge No. 1 and agreed with Charge No. 2 and prepared a tentative finding and forwarded the same along with the enquiry report to the CSE/first party and on his reply to his tentative finding and the enquiry finding, being not satisfied with the same confirmed his tentative finding by order dated 19-9-2005 and held the CSE/first party guilty of Charge No. 1 as well as Charge No. 2 and communicated the same to him proposing the punishment of compulsory retirement and after giving him an opportunity of hearing passed the impugned order of compulsory retirement dated 30-9-2005. Aggrieved by the said order the first party preferred an appeal to the General Manager, Appellate Authority through his appeal memo dated 12-12-2005 and the Appellate Authority after giving a personal hearing to the first party on 19-6-2006 rejected the appeal and confirmed the order passed by the Disciplinary Authority by his order dated 07-8-2006. Thereafter the first party, approached the ALC(Central), Bangalore and as the conciliation failed the Central Government made this reference for adjudication.

4. On receipt of the reference when notices were issued to both sides, both of them entered their appearance through their respective advocates and the first party filed his claim statement on 30-11-2007 whereas the second party filed its counter statement on 6-5-2010. Having regard to certain contentions/allegations made by the first party in respect of the Domestic Enquiry, while raising an issue touching the fairness of the DE after receiving the evidence of the enquiry officer for the management as MW1 and exhibiting 17 documents as Ex. M1 M17 the detailed description of which are narrated in the annexure, after hearing the arguments addressed by the learned advocate for the second party and submission made by the colleague of first party counsel that he has no arguments on preliminary issue and he would argue on merits having regard to the opportunities provided by the enquiry officer to the CSE/first party in the DE answering the issue touching the DE in the 'Affirmative' by order dated 8-4-2011, the arguments addressed by the learned advocates appearing for both sides were heard on merits.

5. It was urged by the learned advocate appearing for the first party that the first charge of deliberate cash shortage being held not proved by the enquiry officer, the disciplinary authority holding him guilty on the ground that the CSE/first party did not examine himself and the customer to whom he allegedly made excess payment is unsustainable and the second charge of discounting of cheque though amount to misconduct no loss being caused to bank since he made good all the money pertaining to such cheques discounted by him the punishment of compulsory retirement imposed is too harsh as such a lenient view be taken in respect of charge No. 2 and he may be ordered to be reinstated with consequential benefits. Inter alia the learned counsel appearing for the second party contended since the Disciplinary Authority just delegate the power of enquiry to the enquiry officer appointed by him he has every right to appreciate the evidence brought on record and come to his own conclusion on charges and in the instant case since the first party failed to examine either himself or the customer to whom allegedly he made excess payment on the relevant day he felt Charge No. 1 also ought to have been held as proved by the enquiry officer and by his sound reasoning he passed a tentative finding and after serving the copy of the finding of the enquiry as well as his tentative finding and giving opportunity of hearing to the first party having confirmed his tentative finding and after issuing second show cause notice to show cause as to why the punishment of Compulsory Retirement should not be imposed after giving opportunity of hearing having passed the impugned order of Compulsory Retirement and the same being upheld by the Appellate Authority after giving an opportunity of hearing to the first party, there is no need to interfere in such finding of the disciplinary authority as well as the punishment imposed. Thus he supported the

finding of the Disciplinary Authority holding the first party guilty of both the charges as well as the punishment of compulsory retirement and urged for rejecting the reference.

6. In view of the facts narrated by me above, in the background of the undisputed facts the points that arises for my consideration in disposal of this reference are-

- (i) Whether the Disciplinary Authority is justified in reversing the finding of the enquiry officer and coming to the conclusion Charge No. 1 being proved?
- (ii) Whether the punishment of compulsory retirement imposed by the Disciplinary Authority and affirmed by the Appellate Authority is proportionate to the charges proved?

7. On appreciation of the pleadings, the evidence brought on record by both the sides in the enquiry, the finding of the enquiry officer and the Disciplinary Authority in the light of the arguments addressed by the learned advocates appearing for both sides my finding on points No. 1 & 2 are in the 'affirmative' and that the action of the management imposing the punishment of compulsory retirement is legal and justified for the following reasons:

#### **Reasons :**

8. As far as Charge No. 1 is concerned there is no dispute that on 2-9-2004 the first party was Cashier at Malur Branch and that he declared shortage of Rs. 10,000 and agreed to debit the same to "Sundry Assets" and accordingly the Branch Incharge/MW1 debited it to Sundry Assets. At this stage it is relevant to quote the relevant portion of Ex. M2 reply given by the first party to the charge sheet which reads as under:

"It is a fact that there was a shortage of cash to the extent of Rs. 10,000 on 2-9-2004 and inspite of best efforts, we could not locate the difference. There was no alternative for me than to request the Branch Incharge to debit sundry assets. It is not true that I was least perturbed with the incident. Even though I was perturbed since I was aware of the procedure, I requested the branch incharge to debit SA and I signed the slips. This was only meant to save the time of all colleagues after exhausting all avenues".

9. In view of this clear cut admission regarding shortage of Rs. 10,000 on 2-9-2004 the only fact that remains for consideration is whether it was a deliberate act on the part of the first party. It is also admitted that he had made short payment of Rs. 10,000- on 28-4-2003 to a customer as such he was not entrusted with cash duties till 28-8-2004 qualifying that the concerned party had made threatening

signals and wielding political pressure and had published the incident in the local newspaper and it was amicably settled with the intervention of some good customers for which qualification/explanation no evidence is adduced. Since he has also admitted the allegations covering the charge No. 2 regarding discounting of several number of cheques and making delayed payments as well as withholding of some of the cheques from sending for collection and issuing cheques by himself on the account of his brother. This also throw light on the allegation of Charge No. 1 declaring shortage of Rs. 10,000 being deliberate.

10. The reasons given by the enquiry authority in coming to the conclusion charge No. 1 is not proved is that on 2-9-2004 there were 95 receipts and 102 payments amounting to Rs. 9,21,703 and Rs. 11,78,309 respectively and the closing cash balance for the day was arrived at Rs. 10,56,484.96 after debiting to Sundry Assets of Rs. 10,000 i.e. cash shortage incurred by the CSE/first party and as Shri H.R. Mushtaq Ahmed, Officer / MW7 admittedly having gone through cash paid cheques on 2.09.2004 randomly verified payments and receipts of Rs. 10,000/- and above of 2-9-2004 and relied on the assurance of the Branch Manager/MW1 about the verification of the instruments and that he/MW7 overlooked details of denomination of currency mentioned on back of DEX 2 which is admittedly instrument of less than Rs. 10,000 depicts against two cheques of a customer marked as DEX 1 & 2 one for Rs. 530 and another for Rs. 1599 Rs. 12029 being paid and thereby an excess payment of Rs. 9900 being made, the shortage of Rs. 10,000 was not deliberate. Whereas the Disciplinary Authority in his tentative finding as well as the final finding taking into account the evidence of MW1 Smt. Vani Badrinath, the Branch Incharge and failure of the first party to immediately bring to the notice of the branch in charge or the officer who subsequently came to investigate that he had made excess payment of Rs. 9900 to a party and that the denominations mentioned on the back of the DEX 2 being in a different ink than the other writings of CSE on that day and having regard to the other transactions of discounting cheques and admission that he was in financial problem arrived at the conclusion of reversing the finding of the enquiry officer. No doubt the number of denominations written on the back of DEX 2 since totals to Rs. 12029 and it is to be accepted that much of amount i.e. Rs. 12029 was paid to customer who presented cheques at DEX 1 & 2 of Rs. 530 and Rs. 1599 respectively there would be an excess payment of Rs. 9900 to him but the writing of denomination on back of DEX-2 being with different ink of other writing of first party on that day and no whisper being made in that respect till the cross examination of MW1 before the enquiry officer the finding of the Disciplinary Authority that it is later development made by the CSE/first party is reasonable and acceptable.

It is seen from the cross examination for the CSE to MW1 that an attempt was made to elicit from her that immediately after finding cash shortage of Rs. 10,000 the CSE/first party had gone out in search of a customer who had taken excess cash of Rs. 9900 to take advantage of her version that she had observed he having sent out after reporting cash shortage which she has categorically denied. If at all on 2-9-2004 itself the CSE had come to know that he had made excess payment to a customer of Rs. 9900 he would have stated so by giving in writing or atleast in his reply dated 18-3-2005 given to the charge sheet which is at Ex. M2. Therefore, this defence appears to be just an improvement tried to be made during the course of enquiry an excess payment being made to a customer by Rs. 9900 just to explain the allegation that it was his deliberate act. The evidence of Investigation Officer MW7 as far as demeanour of CSE is concerned on 2-9-2004 as observed by EO may be hearsay but there is a direct evidence of MW1 who was incharge of the branch on that day. In addition to the evidence of MW1 regarding demeanour of CSE/first party readily asking to debit the shortage to sundry assets admitted fact of discounting various cheques and making delay in payment of those cheques covered under charge No. 2 do suggest that he declaring shortage of cash on 2-9-2004 was deliberate in order to temporarily make use of the bank money to meet his financial problems. Therefore, I am of the considered view that the disciplinary authority is justified in reversing the finding of the enquiry officer and coming to the conclusion of holding the CSE guilty of Charge No. 1 as well. Since the facts covering charge No. 2 do disclose that besides discounting many number of cheques he having issued cheques on the account of his brother under his own signature and making them to return for difference in the signature of the account holder and that he also withheld some of cheques from being sent to collection, in the background of these acts of the CSE and unequivocal admission that he was in financial problem do suggest that it was not safe to continue him in the bank service which involves public financial transactions, because if such a person involved in financial problem is permitted to continue in the bank service he definitely misuse his position in the bank and misutilise the customers money may be temporarily as done in the instant case which definitely bring the bank to defame in the eyes of the public. Therefore, the punishment imposed in the present case of compulsory retirement is just and appropriate. Under the circumstances I arrived at the conclusion of answering point No. 1 & 2 in the Affirmative and pass the following award:

#### **AWARD**

The reference is rejected holding that the punishment of compulsory retirement imposed on Shri A.R. Ranganath by the management of Canara Bank is legal and justified and he is not entitle for any reliefs.

(Dictated to PA transcribed by her corrected and signed by me on 10-1-2012)

S. N. NAVALGUND, Presiding Officer

#### **Annexure CR No. 136/2007**

##### **List of witnesses for the Management/Second party**

1. Shri Chandrashekhar C. N. Senior Manager MW1

##### **List of documents marked for the Second party/ Management**

1. Charge Sheet dated 26-2-2005. Ex. M1
2. Explanation to the charge sheet dated 18-3-2005. Ex. M2
3. Order/proceedings dated 17-3-2005 appointing Shri C.N. Chandra Shekar, Sr. Manager as Enquiry Officer. Ex. M3
4. Order/proceedings dated 17-3-2005 appointing Mr. Manjunath, Manager as Presenting Officer. Ex. M4
5. Notice of enquiry dated 21-3-2005 issued by the enquiry officer to the first party. Ex. M5
6. Proceeding of enquiry dated 11-4-2005, 2-5-2005 and 3-5-2005 along with management exhibit MEX 1 to MEX 51 and Defence exhibits DEX 1 to DEX 4. Ex. M6
7. Written brief of Presenting Officer dated 7-5-2005. Ex. M7
8. Defence written brief dated nil of the DR received by enquiry officer on 30-5-2005. Ex. M8
9. Findings of enquiry officer dated 2-6-2005. Ex. M9
10. Letter dated 30-6-2005 enclosing findings of the enquiry officer and also tentative findings dated 30-6-2005 of DR in the matter of alleged gross misconduct on the part of the first party for his submissions if any. Ex. M10
11. Letter dated 15-7-2005 from the first party addressed to the DR requesting for time to submit his reply. Ex. M11
12. Reply of the first party dated 25-7-2005 on the findings of enquiry officer and also on tentative findings of the DR on Charge No. 1. Ex. M12
13. Proceedings of Personal hearing dated 30-9-2005 before the DR. Ex. M13

14. Order/proceedings dated 30-9-2005 of the DR imposing the punishment of Compulsory Retirement. Ex. M14
15. Appeal dated 17-12-2005 of the first party to the Appellate Authority. Ex. M15
16. Letter dated 6-6-2006 affording personal hearing before the Appellate Authority. Ex. M16
17. Appellate Authority's order dated 12-8-2006 confirming the punishment imposed, along with proceedings/letter dated 12-8-2006. Ex. M17

**Party No. 1 :** The Regional Manager, Central Bank of India, Regional Office, Victoria Building, Kamptee Road, Nagpur- 440001

#### Versus

**Party No. 2 :** Shri Pradeep Shamrao Gawande R/o. Ward No. 1, Tahsil chowk, Arni PO & Tah. Arni, Distt. Yavatmal (MS) (Dead) Substituted by legal heirs (1) Rajana P. Gawande (2) Kunal P. Gawande (by order dated 3-1-2007)

#### AWARD

(Dated: 17th January, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Central Bank of India and Shri Pradeep Shyamrao Gawande, for adjudication, as per letter No. L-12012/143/2003-IR (B-II) dated 15-12-2003, with the following schedule:—

"Whether the action of the management in relation to Nagpur Region of Central Bank of India in terminating the services of Shri Pradeep Shyamrao Gawande, Casual Sub-Staff on 20-6-2000 is legal and justified? If not, what relief is the workman entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective Statement of claim and written statement.

It is necessary to mention here that the statement of claim was filed by the widow and son of the workman on the ground that the workman died before forwarding of the reference by the Government to the CGIT for adjudication. However, the petition for substitution of the legal heirs was filed on 18-4-2006 and the same was allowed as per order of CGIT on 3-1-2007. The management of the Central Bank of India ("Party No. 1" in short) filed its written statement.

The case of the workman as per the statement of claim filed by his legal heirs is that he was working as a peon on daily wages basis from the year 1989 with party no. 1 and he worked for 12 years to the satisfaction of party no. 1 and his service carrier was unblemished and he was discontinued from service w.e.f. 20-6-2002 by an oral order, without any justification and no notice as required under Section 9 (A) (a) (a) of the Act was issued before his termination from service and the party no. 1 also violated the provisions of Sections 25-F, 25-G and 25-H of the Act

#### List of witnesses for the First Party

Nil

#### List of documents marked for the First party

Nil

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1371.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबधतंत्र के संबद्ध नियाजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/06/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 16-1-2012 को प्राप्त हुआ था।

[सं. एल-12012/143/2003-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1371.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. CGIT/ NGP/ 06/2004) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 16-1-2012.

[No. L-12012/143/2003-IR(B-II)]

SHEESH RAM, Section Officer

#### ANNEXURE

**BEFORE SHRI J.P.CHAND, PRESIDING  
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/06/2004

Date : 17-1-2012

and did not pay any compensation or one month's wages in lieu of notice and he issued approached notice dated 03-10-2002 for his reinstatement in service, but the party no.1 did pay any heed to the same and after the illegal termination of his services, party no. 1 employed new labour and continued them in service. Prayer has been made to set aside order of oral termination dated 20-06-2002 and to appoint the wife of the deceased workman on compassionate ground with back wages.

3. The party no. 1 in its written statement has pleaded inter-alia that the legal heirs of the deceased workman have no right to claim any relief in this proceeding and the workman was engaged by party no. 1 as a casual daily rated employee as and when required, depending upon the availability of work and as he was daily rated employee, his name was not taken on the muster roll of the bank and there was also no question of maintaining any service record as he was casual and daily rated employee and payment was made to him on vouchers and the workman was never appointed by it on regular basis against any vacancy and he was engaged as a casual worker at Arni Branch of the Bank on day to day basis, depending upon the availability of work, due to the shortage of sub-staff or due to sudden increase in work on a particular day for any other reason and the workman was not working regularly from 1989 to 20-06-2002. The further case of party no. 1 is that there was no employer-employee relationship between it and the workman and as such, there was no question of compliance of the provisions of the Act and there was no violation of the provisions of Sections 25-F, 25-G and 25-H of the Act and in the year 1991, as per the then existing policy of the bank, a recruitment was conducted for the vacancies in the sub-staff cadre, for those candidates, who had worked in the Bank on daily wages as casual workers, under the specified categories of 180 days, 240 days etc. and the workman was allowed to participate in the said recruitment process and a combined merit list for unreserved vacancies was prepared in pursuance of the said process and the name of the workman figured at serial no. 11 in the said list and the claim of the workman that his name was at serial no. 3 in the seniority list is false and it had not regularized 22 persons before the claim of the workman and the services of the workman were not illegally terminated and the workman had made wild, vague and baseless allegations and there were only 10 identified vacancies and accordingly, 10 candidates who stood in the merit list from serial no. 1 to 10 were absorbed in the employment in sub-staff cadre and as there was no more vacancy, the case of the workman could not be considered for employment. It is also pleaded by the party no.1 that the legal heirs of the workman have no legal or subsisting right to claim employment in place of the workman and as the reference was for the reinstatement of the workman and as he expired before the reference was

made and the relief was individual and personal, the same cannot pass over to his legal heirs and the petitioners are not entitled to any relief.

4. It is necessary to mention here that though the evidence of Smt. Ranjana was filed on affidavit, the said petitioner did not appear before the Tribunal for her cross-examination so her evidence on affidavit was expunged. The petitioners remained absent on 05-05-2009 and thereafter and as such, the case proceeded ex parte against the petitioner. No Evidence was also adduced by the party no. 1.

5. At the time of argument, it was submitted by the learned advocate for the party no.1 that as the workman died even before the reference was made and the reference is one of individual dispute, the legal heirs of the deceased workman do not have the locus standi to continue the reference and to claim any relief for themselves. It was also submitted that the workman was a casual daily rated worker and he was engaged as and when required and as such, there was no question of compliance of section 25-F of the Act.

6. So far the first contention raised by the learned advocate for the party no.1 regarding continuance of the reference by the legal heirs of the deceased workman is concerned, I find no force in the same, in view if the principles enunciated by the Hon'ble Apex Court in the decision reported in AIR 1994 SC- 1176 (Rameshwar Manjhi Vs. Management of Sangramgad Colliery and others). The Hon'ble Apex Court have held that :

“Industrial Dispute Abatement on death of workman. On the death of a workman his heirs and legal representatives can continue the reference or an application under section 33-C(2) of the Act before the Tribunal/Labour Court. Even when the reference is of an individual dispute under section 2A of the Act on the death of the workman the Tribunal doesn't become functus officio or the reference doesn't abate merely because, pending adjudication, the workman concern dies. It is open to the heirs and legal representatives of the deceased workman to have the matter agitated and decided.”

So it is clear from the above principles that the reference is maintainable at the instance of the legal heirs of deceased workman.

7. It is the claim of the petitioners that the workman worked from 1989 to 20-06-2002 and on 20-06-2002, the services of the workman were terminated orally without compliance of the mandatory provisions of section 25-F of the Act and as such, the termination was illegal. On the other hand, it is the case of the party no. 1 that the workman did not work continuously and he was engaged on daily

wages basis as and when required and therefore, there was no need to comply the provision of section 25-F of the Act.

In support of the claim though the petitioners have not adduced any oral evidence, they have filed documentary evidence. The first document filed by the petitioner in support of the work done by the workman is the copy of the register showing the number of days of work of the workman from July, 1998 to 19-06-2000. The said document shows the days of work performed by the workman in each month and the amount of wages paid to him. It is also found that the said document was sealed and signed by the bank. The second document is the copy of the letter dated 15-03-2003 addressed by the Bank to the Assistant Labour Commissioner showing the days of work of the workman from the year 1989 till 2000. Both the documents show that the workman had worked for more than 240 days in the preceding 12 months of 20-06-2000 and his services were terminated on 20-06-2000 without compliance of the mandatory provision of section 25-F of the Act. The termination of the services of the workman amounted to retrenchment and due to non-compliance of mandatory provisions of section 25-F of the Act i.e. non-service of one months' notice or in the alternative non-payment of one months' wages in lieu of notice and retrenchment compensation, the retrenchment of the workman was illegal.

Admittedly, the workman is already dead. The claim of the wife of the deceased workman for compassionate appointment cannot be considered or granted in this reference. As the retrenchment of the deceased workman was illegal, he was entitled for monetary compensation. Taking into consideration the length of service rendered by the workman and all other facts and the circumstances of the case, in my considered view, ends of justice will be meet, if a monetary compensation of Rs. 1,00,000 is granted in favour of the workman. In view of the death of the workman, the petitioner Ranjana P. Gawande is entitled to receive the compensation for herself and on behalf of her minor son, master Kunal P. Gawande. Hence it is ordered:-

### ORDER

The action of the management in relation to Nagpur Region of Central Bank of India in terminating the services of Shri Pradeep Shyamrao Gawande, Casual Sub-Staff on 20-06-2000 is illegal and unjustified. The party no.1, Regional Manager, Central Bank of India is directed to pay a sum of Rs. 1,00,000 (Rupees one lakh) to the petitioner Smt. Ranjana P. Gawande, the widow of deceased workman, late Pradeep Shyamrao Gawande. The Bank is directed to comply the award within one month of the date of publication of award in the Official Gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1372.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूकों बैंक के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 12/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-01-2012 को प्राप्त हुआ था।**

[सं. एल-12011/237/2001-'आई आर (बी-II)']

श्रीश राम, अनुभाग अधिकारी

New Delhi, the 21st March, 2012

**S.O. 1372.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 12/2002) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 23-01-2012.

[No. L-12011/237/2001-IR(B-II)]

SHEESH RAM, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### Reference No.12 of 2002

**Parties:** Employers in relation to the management of  
UCO Bank

AND

Their workmen

**Present :** JUSTICE MANIK MOHAN SARKAR,  
Presiding Officer

#### Appearance:

On behalf of the : Mr. R.N. Majumder, Ld. Advocate  
Management

On behalf of the : Mr. Basudeb Chakraborty, Ld.  
Workmen Advocate

State: West Bengal Industry : Banking

Dated: 18th January, 2012

### AWARD

By Order No.L-12011/237/2001-IR(B-II) dated  
23-04-2002 the Government of India, Ministry of Labour in  
exercise of its powers under Section 10(1)(d) and (2A) of

the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of UCO Bank, Asansol in discharging Shri Bimal Kumar Chakraborty, Armed Guard from Bank's service w.e.f. 17-04-2001 is justified? If not, what relief the workman is entitled to?”

2. This matter emerges out for consideration on the adequacy of punishment as provided under Section 11-A of the Industrial Disputes Act, 1947.

3. The workman concerned was discharged by the management of UCO Bank, Asansol form the service of the Bank with effect from 17-04-2001 and the said order of discharge was in consequence to a domestic enquiry conducted under the order of the disciplinary authority of the management Bank. Validity of the domestic enquiry was considered by this Tribunal after hearing both the parties at length and by order dated 30-05-2011 the domestic enquiry was found to have been validly.

4. Even then a short description of the workman's story is needed to be referred. According to the workman in course of his permanent service in the capacity of an Armed Guard at Asansol Main Branch of the management UCO Bank, he received a chargesheet dated 16-06-1994 with allegation of several misconducts including receiving marriage loan of Rs. 10000 on false pretext of marriage of his only daughter and misusing the said loan for the marriage of his niece and upon the said charge of misusing of loan amount, the enquiry proceeding was proceeded with and completed with the finding that the charge of such misuse of loan amount as proved. In this context, workman alleged that at the first instance the Enquiry Officer submitted a report with his finding about not proving of the charges made against this workman and on subsequent order by disciplinary authority, a second report was submitted by the Enquiry Officer with the finding that the charges were proved and the workman concerned was given opportunity to be heard by the disciplinary authority and thereafter he was punished with the order of discharge by the disciplinary authority.

5. So, in the present context it is to be seen as to whether the misconduct alleged against the workman of misusing the loan amount for some other purpose than the disclosed purpose of marriage of his only daughter was of such severe nature to call the disciplinary authority to punish him with an order of discharge from the employment. Practically the service regulation or bipartite settlement (whatever may be) in the nature of guiding principle of the service conduct and other matters relating to service could have been the better provider with the information as to whether the nature of misconduct done

by the workman concerned was of the nature of major misconduct calling upon a severe punishment of order of dismissal or discharge or termination of service but as neither of the parties has produced such a copy, it could not be revealeds to how the disciplinary authority used to handle the erring employees under it in such circumstances. Fact remains that the workman concerned actually took a loan of Rs. 10000 from the Bank for the purpose of marriage of his only daughter though no such marriage was arranged for his daughter during a period of 2 years after his taking the loan and subsequently disclosing that the loan amount was utilized in the marriage of his niece. Mr. Basudeb Chakraborty, the Ld. Advocate for the workman submitted that the workman concerned has admitted that he took the loan and subsequently he repaid the loan amount in equal monthly instalments and so he did not cause any financial loss to the management Bank and thus the punishment ordered against the workman concerned was severe in nature, not commensurate with the misconduct alleged against him rather, according to Mr. Chakraborty he was put to a severe punishment for a minor misconduct and claimed that the discharge order of the workman should be reverted to some lighter punishment so that he may not loose his service.

6. On the other hand, Mr. R.N. Majumder, Ld. Advocate for the management Bank submitted by not agreeing with the submission of Mr. Chakraborty that the misconduct committed by the workman concerned was of lighter nature since the workman concerned made false utilization of loan amount since the said provision of loan amount was through a fund which is created in the style of social welfare for the employees of the Bank and as the workman concerned has acted against such interest, the misconduct alleged against him cannot be treated in such a light manner.

7. Mr. Chakraborty, in course of his argument on behalf of the workman concerned submitted that the discharge of the workman concerned was a desired goal by the disciplinary authority or the authority of the management Bank anyhow and for that reason the enquiry report was forced to be altered and changed into one of the charges being proved in the nature of the second report of the Enquiry Officer denying the first report of the Enquiry Officer calling the workman concerned as not guilty. So, Mr. Chakraborty submitted that there has been a fluctuation in the act and dicision of the disciplinary authority or the management Bank in respect of the misconduct of the present workman and it is claimed to be a vindictive act on the part of the Bank management.

8. On the other hand, Mr. Majumder, Ld. Advocate for the management submitted that the disciplinary authority did not accept the first report since he has the authority of refusing to accept the report of the Enquiry

Officer and in the present situation he has stated that the disciplinary authority has given a clear reason for not accepting report by stating that the charge-sheeted employe or the present workman gave a statement of admission that he utilized the loan amount for reason other than the purpose for which it was obtained by him from the management Bank and that the said fact of admission of the workman concerned was not considered by the Enquiry Officer and for that reason it was returned back to the Enquiry Officer for a fresh report by evaluating the evidence adduced by the respective parties before him in course of domestic enquiry. Mr. Majumder further stated that the vindictive attitude as alleged, must be presupposed with the previous convicted mind of the management Bank nourished from previous to the said enquiry and such fact has not been brought by the workman concerned to show as to what was the reason of the management becoming vindictive to the workman concerned. In the domestic enquiry the misconduct of the workman was proved and that too by way of admissions statement from the side of the workman concerned and thus the workman concerned has no better escape about the commission of the misconduct and when the misconduct is proved and admitted, automatic consequence is by way of punishing the workman concerned by the disciplinary authority, which has been done in the present case. However, in respect of the nature of punishment in view of the misconduct committed by the workman concerned Mr. Majumder submitted that the misconduct done by the workman concerned was severe in nature and thus the punishment inflicted upon the workman concerned as major punishment by discharging him. Mr. Majumder has further submitted that the act of discharge is something other than dismissal from service since the order of dismissal of a workman leaves a stigma upon the workman which causes inconvenience to the workman concerned for his future employment in other institution or organization but in the case of discharge such a stigma is not there and only the management Bank decided that the service of the workman concerned was not further needed by it as the Bank concerned lost confidence upon him in respect of his integrity and other matter since the workman concerned was an Armed Guard. Mr. Majumder further submitted that the workman concerned was convicted and punished in respect of some criminal case for mishandling some fund from the Maithan Branch of the management Bank, by a Criminal Court at Dhanbad and such conviction itself does not permit the workman concerned to continue with the employment of the management Bank.

9. Though the above submission of Mr. Majumder no doubt cast a cloud on the conduct of the workman concerned, but since the misconduct over which he was separately tried in a Criminal Court and punished, would

not be subject matter of the present reference since the charge-sheet which is referred to in the present matter does not include the alleged misconduct as one of the charges and so it was not within the scope of the domestic enquiry.

10. The workman was an Armed Guard of the management Bank and naturally he should be with a clean hand in respect of the service to be rendered by him to the management Bank and if he is involved in doing several misconducts at the dissatisfaction of the management, perhaps this Tribunal has little scope to interfere in respect of the punishment ordered upon him by the disciplinary authority since the misconduct has been proved on his own admission.

11. The workman concerned was charged to have committing misconduct as stated in Clause 19.5(j) and 19.5(m) of the First Bipartite Settlement and both the acts are decided to be gross misconduct in view of the bipartite settlement dated 19-10-1966 as modified/added in Forth Bipartite Settlement dated 17-09-1984 and thereafter Sixth Bipartite Settlement dated 14-02-1995. Charges are stated to have been proved in course of the domestic enquiry. The validity of the domestic enquiry was challenged by the workman as being devoid of natural justice and that claim was also considered by this Tribunal and the enquiry proceeding was found to have been validly done. In such circumstances, this Tribunal has got very little scope to interfere since the workman concerned was punished with the order of discharge and not a dismissal.

12. This Tribunal is to see whether the punishment is considered to be shockingly disproportionate which in the present case is not found since repeated misconduct done by the workman concerned has given a scope for dissatisfaction with him by the management Bank. In such circumstances, this Tribunal has little scope to interfere with the punishment imposed upon the workman concerned by the disciplinary authority of the management Bank since the charges of misconduct not only has been proved, but has also been admitted by the workman concerned in course of domestic enquiry.

13. However, summarizing the submissions of the respective parties, I do not find any material from the side of the workman concerned to show that the punishment of discharge of the workman concerned from the side of the management Bank was disproportionate in nature in view of the misconduct alleged against him in the charge-sheet.

An Award is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer

Dated, Kolkata,  
The 18th January, 2012

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 21 मार्च, 2012

**का.आ. 1373.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कल्पाणपुर, सीमेंट लिमिटेड बनजारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, न./धनबाद के पंचाट (संदर्भ संख्या 68/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-2012 को प्राप्त हुआ था।

[सं. एल-29011/29/2004-आईआर (एम)]

जोहन तोपनो, अवर सचिव

**MINISTRY OF LABOUR**

New Delhi, the 21st March, 2012

**S.O. 1373.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 68/2009) of the Central Government Industrial Tribunal/Labour Court-1 Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kalyanpur Cements Ltd. (Banjari Bihar) and their workman, which was received by the Central Government on 20-3-2012.

[No. L-29011/29/2004-IR (M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

**Reference No. 68 of 2009**

**Parties :** Employers in relation to the management of Kalyanpur Cements Ltd.

**AND**

Their Workmen

**Present :** SHRI H. M. SINGH, Presiding Officer

**Appearances :**

For the Employers : Shri Piyush Kumar Asstt Manager (P).

For the Workmen : Shri D. Mukherjee, Advocate

State : Bihar Industry : Cement

Dated, the 6th March, 2012

**AWARD**

By Order L-2911/29/2004-IR (M) dated 26-5-2004 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Kalyanpur Cement Limited, Banjari, Rohtas (Bihar) in terminating services of Sri Shashi Bhushan Sharma (Clerk) and Sri Bhagwan Singh (Crane Driver) without conducting domestic enquiry, legal and or justified? If not, then whether the punishment of dismissal from services of the workmen in dispute is proportionate to the misconduct committed? If not, to what relief the workmen are entitled?”

2. The case of the concerned workmen is that Sri Sashi Bhushan Sharma had been working as permanent clerk and Sri Bhagwan Singh had been working as Crane Driver at Kalyanpur Cement Ltd., Banjari Rothas (Bihar) since long with unblemished record of service. The management was not implementing Arbitration Award/ Settlement for Cement Industry, so all the workmen of the Industry were forced to go on strike for implementation of the wage scale and other facilities of the Award. The workmen resorted to strike after giving proper strike notice. The management declared lock-out on 19-10-1990. The Government of Bihar referred the dispute before the Industrial Tribunal being registered as Reference No. 7 of 1990 on the following terms:

“Whether the workmen of M/s. Kalyanpur Cement Ltd., Banjari are entitled to wages and/or any other relief for the period of strike resorted to w.e.f. 25-9-90 and lock-out declared from 19-10-90.”

The Tribunal passed an award on 31-8-95 in favour of the management. The management with an ulterior motive issued chargesheet to Shashi Bhushan Sharma dated 5-12-90 and to Bhagwan Singh on 29-12-90. The chargesheets were issued to the concerned workmen during pendency of the reference case No. 7 of 1990. The case was referred to the Tribunal by Notification dated 27-10-90. The allegation as levelled in the charge-sheet was totally false and devoid of truth. For the same facimile allegation criminal case was also lodged against the concerned workmen. The management illegally and arbitrarily dismissed the concerned workmen without conducting any domestic enquiry and in violation of the provision of the Standing Order. The concerned workmen were directly connected with the misconduct connected with the dispute in Reference No. 7 of 1990. The management dismissed the concerned workmen without taking prior permission of the Tribunal and on the score alone the dismissal is illegal and void ab initio. The management had preferred an application U/s. 33(2) (b) of I.D. Act before the Industrial Tribunal, Patna which was numbered as Misc. Case No. 14 of 1991 arising out of Reference No. 7 of 1990 and Misc. Case No. 12 of 1991 arising out of Reference No. 7 of 1990. The Misc. Case 14 of 1991 seeking approval of dismissal of S.B. Sharma was dismissed by the Tribunal by order dated 4-3-97 and the same was rejected concerning Bhagwan Singh by order dated 12-3-97.

In view of the fact the prayer for approval of dismissal of the concerned workmen were dismissed/rejected by Tribunal and on the score also the dismissal is illegal and void ab initio. The dismissal was illegal also on the ground of no enquiry was conducted prior to dismissal. The dismissal was also illegal for the reason that the concerned workmen were acquitted in the criminal case. The dismissal was illegal as it was against the provision of the certified standing order. They were dismissed by an unauthorised person. The dismissal was too harsh. The concerned workmen and the union represented before the management against illegal and arbitrary dismissal order but without any effect. Thereafter an industrial dispute was raised before the A.L.C. (C), Patna, which ended in failure and the Govt. of India, Ministry of Labour referred the dispute for adjudication to this Hon'ble Tribunal.

The action of the management in dismissing the concerned workmen without conducting domestic enquiry is neither legal nor justified and disproportionate to the misconduct committed.

Under such circumstances, it has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the workmen by directing the management to reinstate the concerned workmen with full back wages and other consequential benefits.

3. The case of the management is that the concerned workmen, Shashi Bhushan Sharma and Bhagwan Singh, were employed as Clerk and Crane operator respectively in the Kalyanpur Cement Limited factory at Banjari. Both of them along with others went on lighting illegal and unjustified strike from 25-9-1990 without serving strike notice under the Industrial Disputes Act as the factory was declared as Public Utility Service under the Act. Both of them were leading strikers and during period of illegal strike committed several serious and grave misconduct, like wilful insubordination, inciting and instigating other workmen to resort to and participate in the illegal strike, assaulting, threatening workmen and officers, disorderly and riotous behaviour, gharao of the managerial staff and others, obstructing willing workmen and officers from attending duty during the period of illegal strike. For serious and grave misconduct committed by them they were charge-sheeted separately vide letter dated 5-12-90 to Shashi Bhushan Sharma and vide letter dated 29-12-90 to Bhagwan Singh. Both of them submitted their written explanation denying the allegation of the charge-sheets. The reply of the concerned workmen was not found satisfactory and considering the gravity of serious misconduct committed by them, they were dismissed by the management from the service w.e.f. 26-3-1991 by letter dated 26-3-1991 informing them that an application for approval is being filed in Reference Case No. 7 of 1990 before Industrial Tribunal, Patna. The reference was answered in favour of the management holding that the strike was illegal and the concerned workmen are not entitled

for the wages of the strike period. The dismissal of the workmen was kept in abeyance by the management during the pending of proceeding of Reference No. 7 of 90. A Petition for withdrawal of Misc. Case No. 14 of 91 in respect of S.B. Sharma and Misc. Case No. 12 of 91 in respect of Bhagwan Singh was filed on 4-3-97 and the Industrial Tribunal allowed the withdrawal of the Misc. Case as there was no pendency of the dispute/Reference No. 7/90 before the Tribunal as the award was pronounced on 2-1-97 and proceeding deemed to continue till 2-2-97. Therefore the Tribunal lost its jurisdiction to decide the Misc. Case for grant of approval U/s. 33(2)(b). The workmen were issued a letter on 5-3-97 confirming the earlier order of dismissal dated 26-3-91 after withdrawal of Misc. cases/petition U/s. 33(2) (b). The domestic enquiry could not be conducted when the charge-sheets were issued due to strike and law and order situation was very serious and tense. The situation was so surcharged Police had to take recourse of firing. So it was not possible to hold the enquiry. The misconduct was so serious that only punishment of dismissal was warranted.

Under such circumstances, it has been prayed that the Hon'ble Tribunal be pleased to hold that the dismissal of the concerned workmen was legal and justified and they are not entitled to any relief.

4. In Rejoinder to the written statement of the management, the concerned workmen have submitted almost same facts as have been stated in their written statement.

5. Both the parties have been heard on the preliminary issue as well as on merit.

6. The management and the concerned workmen have not adduced any oral evidence.

7. Main argument advanced on behalf of the concerned workmen is that they have been dismissed by the management without conducting any proper and fair enquiry.

The management's representative argued that the concerned workmen have been dismissed from service on the ground of absence from duty. They were given opportunity before dismissal orders were passed against S. B. Sharma and Bhagwan Singh on 5-3-97 and 13-3-97 respectively after the proceeding of reference No. 7 of 1990 was concluded on 2-2-97 confirming the earlier dismissal orders and on that date there was no proceeding pending as per Sec. 33 of the I.D. Act. There was no need to take approval of as no case was pending and the Tribunal became functus officio.

In this respect a charge-sheet was issued to Sashi Bhushan Sharma on 5-12-90 and to Bhagwan Singh on 29-12-90. But the management dismissed the concerned workmen w.e.f. 26-3-91 without conducting any enquiry and during the pendency of the aforesaid reference case.

Management has got no power to dismiss the workmen without conducting enquiry.

In this respect on behalf of the workmen 2002 LLR 237 has been referred in which Hon'ble Supreme Court:

"Industrial Disputes Act, 1947 - Section 33(2) (b)- If approval for the dismissal or discharge of a workman is not granted under section 33(2) (b) of the Act—Whether the order of dismissal becomes ineffective from the date it was passed or from the date of non-approval of the order of dismissal becomes ineffective from the date it was passed Whether failure to make application under section 33(2)(b) would render the order dismissal inoperative? (Yes) - Conflict of views in Strawboard and Tata Iron & Steel Co. with Punjab Beverages. The former two are correct and the third is incorrect.

#### HELD

An employer who does not make an application under Section 33(2) (b) of withdraws the one made, cannot be relieved by relieving him of the statutory obligation created on him to make such an application. If it is so done, he will be happier or more comfortable than an employer who obeys the command of law and makes an application inviting scrutiny of the authority in the matter of granting approval of the action taken by him. Adherence to and obedience of law should be obvious and necessary in system governed by rule of law. An employer by design can avoid to make an application after dismissing or discharge an employee or file it and withdraws before any order is passed on it, on its merits, to take a position that such order is not inoperative or void till it is set aside under Sections 33A notwithstanding the contravention of Section 33(2) (b) proviso, driving the employee to have recourse to one or more proceeding by making a complaint under Section 33A or to raise another industrial dispute or to make a complaint under Section 31 (1). Merely because penal provision is available or a workman has a further remedy under Section 33A to challenge the approval granted, it cannot be said that the order of discharge or dismissal does not become inoperative or invalid unless set aside under Section 33A. There is nothing in Sections 31, 33 and 33A to suggest otherwise even reading them together in the context. These Sections are intended to serve different purposes."

In this case Hon'ble Supreme Court further laid down—"In our view, not making an application under Section 33(2) (b) seeking approval or withdrawing an application one made before any order is made thereon, is a clear case of contravention of the proviso to Section 33 (2) (b)."

The concerned workmen also referred 2001 (90)-FLR 27 in which Hon'ble Supreme Court laid down :

"Industrial Disputes Act, 1947 - Section 33 (2) and (3) - Dismissal - Respondent was dismissed after enquiry - Applied for approval under Section 33 (2) - Prayer for

approval rejected on merits—The order of dismissal, therefore, has to be treated as non-est- Scope of provisions of Section 33(2) enumerated."

It shows that the management dismissed the concerned workmen without conducting any enquiry. No second show cause notice was given to them. So the order of dismissal without conducting enquiry is not good and in such circumstances the action of the management cannot be said to be justified.

8. In the result, I hold that the action of the management of Kalyanpur Cement Limited, Banjari, Rohtas, in dismissing Shashi Bhushan Sharma, Clerk and Bhagwan Singh, Crane Driver, without conducting domestic enquiry is not legal and justified. Accordingly, the concerned workmen are entitled to be reinstated in service with 50% back wages and other consequential benefits from the date of their dismissal from service i.e. 26-3-91 till their reinstatement in service. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H. M. SINGH, Presiding Officer

(रोजगार एवं प्रशिक्षण महानिदेशालय )

नई दिल्ली, 3 अप्रैल, 2012

**का.आ.1374.—**केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976, यथा संशोधित 1987, के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतदद्वारा रोजगार एवं प्रशिक्षण महानिदेशालय (श्रम और रोजगार मंत्रालय) के उच्च प्रशिक्षण संस्थान, विद्यानगर, हैदराबाद-500 007 जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है को अधिसूचित करती है :

[सं. डीजीईटी-ई-11017/2/2011-हिंदी/380-480]

तरसेम लाल, उप सचिव

(Directorate General of Employment and Training )

New Delhi, the 3rd April, 2012

**S.O. 1374.—**In pursuance of sub-rule (2) and (4) of rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, as amended 1987, the Central Government hereby notifies Advance Training Institute, Vidyanaagar, Hyderabad - 500 007 of Directorate General of Employment and Training (Ministry of Labour and Employment), the more than 80% staff whereof have acquired the working knowledge of Hindi:

[No. DGET-E-11017/2/2011-Hindi/380-480]

TARSEM LAL, Dy. Secy.